

By Mr. PRAY: Petition of 76 Montana merchants and Missoula Trades Council, Montana, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Missoula (Mont.) Trades Council, for amendment of the immigration laws; to the Committee on Immigration and Naturalization.

By Mr. RAINEY: Petition of 411 merchants of the twentieth Illinois congressional district, against a rural parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. REEDER: Petition of citizens of Kansas, favoring parcels post; to the Committee on the Post Office and Post Roads.

By Mr. SHEFFIELD: Petition of Rhode Island State Grange, Patrons of Husbandry, favoring the local rural parcel service; to the Committee on the Post Office and Post Roads.

Also, paper to accompany bill for relief of Nathaniel S. Greene; to the Committee on Invalid Pensions.

Also, petition of Town Council of Foster, R. I., for Senate bill 5677; to the Committee on Interstate and Foreign Commerce.

Also, petition of Rhode Island State Grange, Patrons of Husbandry, for appropriation for national highways; to the Committee on Agriculture.

By Mr. SLAYDEN: Petition of citizens of Fredericksburg, Tex., against local rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. TOU VELLE: Petition of C. M. Parker, of Lincoln, Nebr., for House bill 17883; to the Committee on Invalid Pensions.

By Mr. YOUNG of Michigan: Petition of citizens of the twelfth Michigan congressional district, for Senate bill 5677, to increase efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

## SENATE.

Monday, January 16, 1911.

Prayer by the chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of the proceedings of Friday last was read and approved.

### MISSOURI RIVER IMPROVEMENT.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, stating, in response to a resolution of December 12, 1910, relative to a report upon the most economical and desirable plan for securing a permanent 6-foot channel in the Missouri River from Kansas City to the mouth of that river, that the report has been transmitted to the Speaker of the House of Representatives in compliance with an item contained in the rivers and harbors act of June 25, 1910, which was referred to the Committee on Commerce and ordered to be printed.

### ESTIMATES OF APPROPRIATION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting for inclusion in the legislative, executive, and judicial appropriation bill a proposed amendment for eight firemen at \$720 each, office of chief clerk and superintendent, Treasury Department (S. Doc. No. 742), which was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an amended estimate of appropriation for salaries, office of the Commissary General, one chief of division, \$2,000, and one clerk, \$1,800, etc., which, with the accompanying paper, was referred to the Committee on Appropriations (S. Doc. No. 740) and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 28434. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 28435. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 30135. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 30886. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 31161. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 31172. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 18960. An act for the relief of Emanuel Sassaman;

H. R. 22829. An act for the relief of George W. Nixon;

H. R. 28434. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 28435. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

### PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the mayor and council of Brunswick, Ga., remonstrating against the enactment of legislation to remove discrimination against American sailing vessels in the coastwise trade, etc., which was referred to the Committee on Commerce.

He also presented a petition of the faculty of Mount Holyoke College, South Hadley, Mass., praying for the enactment of legislation to prohibit traffic in opium, which was referred to the Committee on Foreign Relations.

He also presented the petition of C. M. Parker, Company A, Forty-sixth Indiana Volunteers, of Lincoln, Nebr., praying for the enactment of legislation to increase the pension of those who have lost limbs or have been totally disabled in the same in the military or naval service of the United States during the War of the Rebellion, which was referred to the Committee on Pensions.

He also presented resolutions adopted by various municipal councils in the Philippine Islands relative to certain language used by Hon. D. C. Worcester, secretary of the interior and member of the civil commission of the Philippines, in a public address in those islands before the Young Men's Christian Association, etc., which were referred to the Committee on the Philippines.

He also presented the petition of Charles A. Blanchard, president of Wheaton College, Wheaton, Ill., and of J. G. Brooks, pastor of the College Church, of Wheaton, Ill., praying for the enactment of legislation to prohibit the sale of opium and cocaine in the United States, which was referred to the Committee on Foreign Relations.

Mr. CULLOM presented a petition of sundry citizens of Illinois, praying for the enactment of legislation to prohibit the transportation of intoxicating liquors into prohibition districts, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 694, United Mine Workers of America, of Girard, Ill., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Trades and Labor Assembly of Galesburg, Ill., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a memorial of the Illinois State Teachers' Association, remonstrating against the benefits of the so-called Morrill Acts being extended to the District of Columbia, which was ordered to lie on the table.

Mr. KEAN presented a petition of the Political Study Club of Elizabeth, N. J., praying for the passage of the so-called children's bureau bill, which was ordered to lie on the table.

He also presented a petition of Local Branch No. 14, Glass Bottle Blowers' Association, of Woodbury, N. J., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. DEPEW presented a petition of Hollywood Council, No. 15, Junior Order United American Mechanics, of Springfield, N. Y., praying for the enactment of legislation to further

restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of Cigar Makers' Local Union No. 483, of Gloversville, N. Y., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Chamber of Commerce of Rochester, N. Y., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

Mr. WARREN presented a petition of J. F. Reynolds Post, No. 33, Grand Army of the Republic, Department of Wyoming, of Cheyenne, Wyo., praying for the enactment of legislation granting pensions to veterans of the Civil War, which was referred to the Committee on Pensions.

He also presented a petition of Custer Post, No. 1, Grand Army of the Republic, Department of Colorado and Wyoming, praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. GAMBLE presented a petition of the Commercial Club of Mitchell, S. Dak., praying that San Francisco, Cal., be selected as the site for holding the proposed Panama Canal Exposition, which was referred to the Committee on Industrial Expositions.

He also presented a petition of Carpenter Lodge, No. 1184, Modern Brotherhood of America, of Carpenter, S. Dak., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented the memorial of F. L. Kramer and sundry other citizens of Chamberlain, S. Dak., remonstrating against the passage of the so-called rural parcels-post bill, which was ordered to lie on the table.

Mr. SCOTT presented a petition of sundry employees of the Greenbrier division of the Chesapeake & Ohio Railway Co., of the State of Virginia, praying for the enactment of legislation authorizing railroads to charge higher rates for transportation, which was referred to the Committee on Interstate Commerce.

Mr. BURROWS presented sundry papers to accompany the bill (S. 8047) authorizing and directing the Secretary of War to muster Clement A. Leunsberry as colonel of the Twentieth Regiment Michigan Volunteer Infantry, which were referred to the Committee on Military Affairs.

Mr. HEYBURN presented a resolution adopted at the Thirtieth Annual Convention of the American Federation of Labor, at St. Louis, Mo., favoring the repeal of the present oleomargarine law, and also for a change in the present method of packing oleomargarine, which was referred to the Committee on Manufactures.

Mr. GALLINGER presented the memorial of Hurd & Kinney, of Claremont, N. H., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Citizens' Association of Petworth, D. C., remonstrating against the enactment of legislation proposing to change the name of Rock Creek Church Road to Putnam Street, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Citizens' Association of Brightwood Park, D. C., praying for the adoption of a certain amendment to the District of Columbia appropriation bill relative to the status of teachers of manual training, etc., in the public schools of the District, which was referred to the Committee on Appropriations.

Mr. CULBERSON presented petitions of Local Lodges No. 2664, of Petteway; No. 2791, of Huntsville; No. 2594, of Nineveh; No. 2386, of Shive; No. 2473, of San Antonio; No. 2179, of Big Foot; No. 2519, of Lambert; No. 2268, of Kerrville; No. 1488, of Houston; No. 2629, of Madisonville; No. 2354, of Italy; No. 1516, of Minden; No. 2544, of Stubbs; No. 2648, of El Paso; No. 2429, of Milford; No. 2611, of Midway; No. 2817, of Pleasant Grove; No. 2439, of Energy; No. 2711, of Collegehill; No. 2509, of Kaufman; No. 2249, of Tolosa; No. 2459, of Monaville; No. 2617, of Dodge; No. 2344, of Groveton; No. 2353, of Rusk; No. 2408, of Buffalo; No. 2691, of Oakhurst; No. 2659, of Houston; No. 2535, of Mabank; No. 2231, of Mount Selman; No. 2243, of Stone Point; No. 2356, of Belott; No. 2882, of Monticello; No. 2432, of Israel; No. 2269, of Gatesville; No. 2620, of Burton; No. 2576, of Flo; No. 2565, of Rusk, all of the Modern Brotherhood of America; and of Local Camps No. 664, of Grand Saline; No. 94, of Huntsville; No. 2737, of Barclay; No. 2569, of Chalk;

No. 2505, of Converse; No. 130, of Del Rio; No. 682, of Kopperl; No. 1154, of Oak Grove; No. 666, of Burkett; No. 2077, of Hampton; No. 435, of Center Point; No. 177, of Fannin; No. 278, of Florence; No. 1920, of Waldo; No. 1339, of Dallas; No. 723, of Crawford; No. 157, of Ballinger; No. 488, of Rusk; No. 1849, of Hurst; No. 2362, of Elmdale; No. 262, of Corpus Christi; No. 66, of San Angelo; No. 416, of Timpson; No. 226, of Dallas; No. 2150, of Topsey; No. 2703, of Buckner; No. 1662, of Neinda; No. 2312, of Arbor; No. 2754, of Jourdan; No. 1121, of Pruitt; No. 1946, of Lasater; No. 2086, of Deadwood; No. 884, of Hill County; No. 2656, of Hutto School House; No. 801, of Duncanville; No. 2616, of Cedar Knob; No. 751, of Randolph; No. 427, of Jacksboro; No. 2148, of Weir; No. 1355, of Index; No. 1624, of Berryville; No. 1544, of Nugent; No. 1783, of Buffalo Springs; No. 354, of Copperas Cove; No. 2230, of Goose-neck; No. 6, of Waco; No. 2118, of Leakey; No. 2186, of Roberts; No. 1, of Dallas; No. 325, of Athens; No. 2726, of Lake Charlotte; No. 50, of San Marcos; No. 2076, of Oakdale; No. 244, of Colorado; No. 13, of Houston; No. 452, of Brady; No. 2500, of Raisin; and No. 2696, of Red River, all of the Woodmen of the World, in the State of Texas, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter; which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Terrell, Gilmer, Clarksville, Iredell, and Leakey, all in the State of Texas, remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. JONES. I present a telegram communicating a concurrent resolution of the Legislature of the State of Washington, which I ask may be read and referred to the Committee on Industrial Expositions.

There being no objection, the concurrent resolution was read and referred to the Committee on Industrial Expositions, as follows:

[Telegram.]

OLYMPIA, WASH., January 11, 1911.

Hon. WESLEY L. JONES,  
United States Senate, Washington, D. C.:

Concurrent resolution No. 1, passed by senate and house, requests that you do all within your power to secure the indorsement at the hands of Congress to the end that San Francisco be designated as the city in which to celebrate the completion of the Panama Canal.

WM. T. LAUBE,  
Secretary to the Senate.  
LOREN GRINSTEAD,  
Chief Clerk of House.

Mr. JONES. I present a telegram in the nature of a petition from the Legislature of the State of Washington, which I ask may be read and referred to the Committee on Commerce.

There being no objection, the resolution was read and referred to the Committee on Commerce, as follows:

[Telegram.]

OLYMPIA, WASH., January 14, 1911.

Hon. WESLEY L. JONES,  
United States Senate, Washington, D. C.:

The Legislature of the State of Washington earnestly petitions and urges the passage of S. 5677, to promote the efficiency of the Life-Saving Service.

WM. T. LAUBE,  
Secretary to the Senate.  
LOREN GRINSTEAD,  
Chief Clerk of House.

Mr. JONES presented a paper to accompany the bill (S. 9374) authorizing the adjudication and payment of the claim of Charles Dupre, which was referred to the Committee on Claims.

Mr. BROWN presented memorials of sundry citizens of Nebraska City, Omaha, South Omaha, and Edgar, all in the State of Nebraska, and of sundry citizens of De Moines and Council Bluffs, in the State of Iowa, remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented sundry affidavits in support of the bill (S. 8982) granting an increase of pension to Daniel Stonebarger, which were referred to the Committee on Pensions.

Mr. BULKELEY presented petitions of Local Camp No. 76, of Thompsonville; Dixwell Camp No. 10, of New Haven; Valley Camp No. 55, of Derby, and of White Oak Camp No. 3, of Waterbury, all of the Woodmen of the World, in the State of Connecticut, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Branford, Conn., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envel-



opes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Elias Howe, jr., Post, No. 3, Grand Army of the Republic, Department of Connecticut, of Bridgeport, Conn., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Hartford, Conn., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of New Haven, Conn., praying for the passage of the so-called boiler-inspection bill, which was ordered to lie on the table.

Mr. SUTHERLAND presented a memorial of sundry citizens of American Forks, Utah, remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. PERKINS presented a petition of the Franklin Association, of Alameda County, Cal., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

Mr. CURTIS presented a memorial of the Alliance Cooperative Insurance Co., of Topeka, Kans., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Sabetha, Kans., remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. SCOTT presented petitions of sundry employees of the Hinton division of the Chesapeake & Ohio Railway Co., in the State of West Virginia, praying for the enactment of legislation authorizing railroads to charge higher rates for transportation, which were referred to the Committee on Interstate Commerce.

Mr. BEVERIDGE presented petitions of sundry citizens of Tobacco Landing and New Amsterdam, Ind., praying that an appropriation be made for the construction of certain dams near West Point, Ky., which were referred to the Committee on Commerce.

Mr. BRISTOW presented memorials of sundry citizens of Randolph, Downs, Marysville, Abilene, and Culver, all in the State of Kansas, remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Larrabee Post, No. 164, of Russell; of Post No. 388, of Meade; of General Francis Marion Post, No. 202, of Florence; of Local Post No. 41, of Hill City; of W. S. Robertson Post, No. 428, of Goodland; and of Robert Anderson Post, No. 45, of Smith Center, all of the Grand Army of the Republic, Department of Kansas, praying for the establishment of a volunteer officers' retired list, which were referred to the Committee on Military Affairs.

He also presented a petition of Garfield Post, No. 25, Grand Army of the Republic, Department of Kansas, of Wichita, Kans., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. DICK presented petitions of Local Lodges No. 294, of Piqua; No. 1251, of Columbus; No. 1829, of Lima; No. 2809, of Cleveland; and No. 348, of Linden Heights, all of the Modern Brotherhood of America; of Local Camps No. 198, of Troy; No. 2, of Findlay; No. 942, of Columbus; No. 17, of North Baltimore; No. 23, of Fremont; and No. 31, of Toledo, all of the Woodmen of the World; and of Local Chapter No. 345, American Insurance Union, of Barberton, all in the State of Ohio, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregations of the Tenth Avenue Baptist Church, the Second Baptist Church, and the Monroe Avenue Lutheran Church, of Columbus, Ohio, praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which were referred to the Committee on the Judiciary.

He also presented a petition of the Retail Grocers' Association of Akron, Ohio, and a petition of the Woman's Literary Club of Portsmouth, Ohio, praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Neelyville Grange, No. 299, Patrons of Husbandry, of Newcastle, Ohio, praying that New

Orleans, La., be selected as the site for holding the proposed Panama Canal Exposition, which was referred to the Committee on Industrial Expositions.

He also presented memorials of the Holopham Co., of Newark; the Buckeye Savings & Loan Co., of Bellaire; the Shovel Co., of Conneaut; A. D. Lugibihl & Son, of Bluffton; H. C. Wine, of Zanesville; W. D. Rapp & Son, of Sabina; J. A. Harper Manufacturing Co., of Greenfield; Northeastern Ohio Normal College, of Canfield; John Holm, of Omar; A. I. Clymer, of Van Wert; Demas Lodge, No. 108, Knights of Pythias, of Bucyrus; West Unity Banking Co., of West Unity; Trade China Co., of East Liverpool; Putnam Telephone Co., of Ottawa; Lodge No. 227, Free and Accepted Masons, of Findlay; Progressive Association of Bellaire; No. 182 Knights of Pythias Lodge, of Wellsville; Ohio and Indiana Grain and Flour Shippers' Traffic Association, of Piqua; Canby, Ach & Canby Co., of Dayton; Ohio Sand Co., of Conneaut; J. & H. Closgeus Co., of New Richmond; Standard Cereal Co., of Chillicothe; John T. Harbin, jr., of Xenia; and the Athens Printing Co., of Athens, all in the State of Ohio, remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry Grand Army posts, Nos. 311, of Gratiot; 97, of Kenton; 39, of Genoa; 555, of Canton; 223, of Carrollton; 639, of Braceville; 37, of Cuyahoga Falls; 496, of Albany; 41, of Wapakoneta; 27, of Fostoria; 110, of Bloomdale; 451, of Columbus; 296, of Orrville; 327, of Ravenna; 479, of Moscow; 591, of Mentor; 534, of Gnadenhutten; 134, of Massillon; 164, of Portsmouth; 96, of Hamilton; 24, of Grand Rapids; 75, of Gilboa; 360, of Westboro; 154, of McComb; 204, of Harrison; 578, of Ottawa; 98, of Urbana; 149, of Bryan; 169, of Medina; 449, of Idaho; 150, of Kinsman; 729, of Alliance; 64, of Columbus Grove; 592, of Parks Mills; 208, of Shiloh; 44, of East Liverpool; 347, of Xenia; 647, of Randolph; 224, of Cleves; 342, of Blanchester; 574, of Remson Corners; 140, of Logan; 17, of Painesville; 54, of Findlay; 25, of Canton; 133, of Wooster; 213, of Lebanon; 139, of Collinwood; 145, of Dayton; and 245, of Richmond, all in the State of Ohio, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented memorials of Smith & Schott Co., of Wooster; Freeland & Co., of Wooster; Gray & Smith, of Wooster; W. S. George Pottery Co., of East Palestine; East Palestine Pottery Co., of East Palestine; General Fire Proofing Co., of Youngstown; Iron & Steel Co., of Youngstown; Prof. Lewis G. Westgate, of Delaware; Prof. Herbert Welch, of Delaware; S. D. Webb, of Delaware; B. E. Cartwell, of Delaware; Schable & Smith, of Troy; Troy Carriage Sunshade Co., of Troy; Edwin B. Cox, superintendent of schools of Xenia; G. A. Resek, of Lorain; Geo. S. Heasley, of Poland; Lagonda Mfg. Co., of Springfield; Coffin & Casket Co., of Springfield; Robbins & Myers, of Springfield; F. A. Wilcox, of Akron; Consolidated Rubber Tire Co., of Akron; Grimm & Lehniger, of Akron; Colonial Salt Co., of Akron; Alkali Rubber Co., of Akron; McQueeney Chemical Co., of Akron; Hall-Harter Insurance Co., of Akron; Mallon & Vordenberg, of Cincinnati; Kilwinning Lodge, F. & A. M., of Cincinnati; Guardian Savings & Trust Co., of Cleveland; Joseph & Freiss Co., of Cleveland; Bishop & Babcock Co., of Cleveland; Superior Foundry Co., of Cleveland; Standard Sewing Machine Co., of Cleveland; Ginn Co., coal, coke, etc., of Ironton; Globe Pottery Co., of East Liverpool; R. R. Jacobs Co., of Waynesburg; C. C. Haffixer, of Orrville; Peerless Laundry Co., of Elyria; S. Rindsford & Sons Co., of Circleville; S. A. McNeil, of Richmond; Young Bros., of Seaman; C. O. Barnhouse, of Agosta; Marysville Light & Water Co., of Marysville; Bachtel Lumber Co., of Canton; Richards & Evans Co., of Cortland; West Lafayette College, of West Lafayette; Bryan Manufacturing Co., of Bryan; Ohio Galvanizing & Manufacturing Co., of Niles; Odenweller Milling Co., of Ottoville; and Chamberlin Bros., of Geneva, all in the State of Ohio, remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

#### REPORTS OF COMMITTEES.

Mr. NELSON, from the Committee on Public Lands, to which was referred the bill (S. 9957) to authorize the sale of burnt timber on the public lands, and for other purposes, reported it with amendments and submitted a report (No. 969) thereon.

Mr. BACON, from the Committee on the Judiciary, to which was referred the bill (H. R. 15665) providing for the appointment of deputy clerks to the United States circuit court of appeals, reported it without amendment.

## BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PERCY:

A bill (S. 10247) to confer jurisdiction on the Court of Claims to adjudicate the claims of the heirs at law of Greenwood Leflore, deceased, late chief of the Choctaw Nation; to the Committee on Claims.

By Mr. JONES:

A bill (S. 10248) to promote the safety of travelers and employees upon railroads by compelling common carriers engaged in interstate commerce to adopt uniform rules for the operation of railroad trains and to use a uniform system of signals for authorizing the movement of railroad trains; to the Committee on Interstate Commerce.

By Mr. SWANSON:

A bill (S. 10249) for the relief of the heirs of John Sullivan, deceased; to the Committee on Claims.

By Mr. BEVERIDGE:

A bill (S. 10250) granting an increase of pension to McCulloch Talley (with accompanying paper); to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 10251) granting a pension to Katie A. Stewart; to the Committee on Pensions.

By Mr. FRYE:

A bill (S. 10252) granting an increase of pension to Thatcher Vose (with accompanying papers); to the Committee on Pensions.

By Mr. SCOTT:

A bill (S. 10253) granting an increase of pension to John Mallet (with accompanying paper); to the Committee on Pensions.

By Mr. KEAN:

A bill (S. 10254) granting an increase of pension to Levi T. Pond (with accompanying papers); to the Committee on Pensions.

A bill (S. 10255) to amend section 2 of the act approved February 17, 1898, entitled "An act to amend the laws relating to navigation;" to the Committee on Commerce.

By Mr. SMITH of Michigan:

A bill (S. 10256) establishing a light and fog-signal station on Michigan Island, Lake Superior; and

A bill (S. 10257) establishing a light and fog-signal station at Portage River Pierhead, Mich.; to the Committee on Commerce.

A bill (S. 10258) granting a pension to Hattie L. Fox;

A bill (S. 10259) granting a pension to Louisa Moorman;

A bill (S. 10260) granting a pension to Nora Julia Buchanan;

A bill (S. 10261) granting a pension to Viola Louisa Buchanan; and

A bill (S. 10262) granting an increase of pension to Patrick Culhan (with accompanying paper); to the Committee on Pensions.

By Mr. CLARK of Wyoming:

A bill (S. 10263) to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases; to the Committee on the District of Columbia.

By Mr. LODGE:

A bill (S. 10264) providing for a site for a public building at Provincetown, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. CUMMINS:

A bill (S. 10265) granting an increase of pension to R. M. J. Coleman (with accompanying papers); and

A bill (S. 10266) granting pensions to soldiers, sailors, and marines confined in Confederate prisons; to the Committee on Pensions.

By Mr. STONE:

A bill (S. 10267) for the relief of Mary S. Ming (with accompanying papers); to the Committee on Claims;

A bill (S. 10268) granting to the Ozark Power & Water Co. authority to construct a dam across White River, Mo.; to the Committee on Commerce; and

A bill (S. 10269) granting a pension to Alvah H. Mitchell (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 10270) for the relief of the Associate Reformed Presbyterian Church, near Winnsboro, S. C.; to the Committee on Claims.

By Mr. CRANE:

A bill (S. 10271) granting an increase of pension to Clara Magnitzky; and

A bill (S. 10272) granting an increase of pension to William Kathan; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 10273) granting an increase of pension to Minnie Wadsworth Wood; to the Committee on Pensions.

By Mr. BOURNE:

A bill (S. 10274) to authorize construction of the Broadway Bridge across the Willamette River at Portland, Oreg.; to the Committee on Commerce.

By Mr. WARREN:

A bill (S. 10275) relative to the joint operations of the Army, Navy, and Marine Corps; to the Committee on Military Affairs.

By Mr. CUMMINS:

A bill (S. 10276) granting a pension to Elroy R. Cary (with accompanying papers); to the Committee on Pensions.

## AMENDMENTS TO APPROPRIATION BILLS.

Mr. TALIAFERRO submitted an amendment relative to securing a channel of suitable width and depth from deep water at or below Commodore Point to deep water above Six Mile Creek westward of the middle ground between Arlington Cut and the western shore of the St. Johns River, Fla., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate \$9,200 for improving the Exeter River, N. H., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. DU PONT submitted an amendment relative to an appropriation to be used in the engineer district of the State of Delaware, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. MARTIN submitted an amendment proposing to appropriate \$56,000 for the completion of the improvement of the Potomac River at Alexandria, Va., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. CURTIS (for Mr. OLIVER) submitted an amendment authorizing the Secretary of War to cause a preliminary examination to be made of a route for a waterway suitable for transportation of barges from the junction of the Ohio and Beaver Rivers in Pennsylvania, by way of the Beaver and Mahoning Rivers, to a point at or near Niles, Ohio, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. DEPEW submitted an amendment proposing to appropriate \$3,500 for the salary of the attorney in charge of titles, Department of Justice, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BURNHAM submitted an amendment proposing to increase the salary of two civil engineers, office of the Quartermaster General, from \$1,800 to \$2,400, intended to be proposed by him to the legislative, etc., appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

He also submitted an amendment proposing to increase the salary of the file clerk, office of the Secretary of the Senate, from \$2,220 to \$2,500, intended to be proposed by him to legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. NIXON submitted an amendment proposing to increase the appropriation for clerks in the office of the surveyor general, of Nevada, from \$7,000 to \$10,000, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CULLOM submitted an amendment proposing to appropriate \$125,000 for improving the Illinois and Mississippi Canal, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce and ordered to be printed.

## CLAYTON-BULWER TREATY.

Mr. ROOT. I ask unanimous consent to submit a motion for the printing as a public document (S. Doc. No. 746) of a memorandum prepared by the State Department at the time of the canal treaty with Great Britain regarding the abrogation of the Clayton-Bulwer treaty. It was submitted then to the Committee on Foreign Relations confidentially, but there seems to be no occasion for continuing that course. I ask to have it



printed as a public document and that my motion be referred to the Committee on Printing.

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). Is there any objection to the request of the Senator from New York? The Chair hears none, and the motion will be referred, with the paper, to the Committee on Printing.

#### CENTRAL OFFICE OF POSTAL SAVINGS SYSTEM.

Mr. BACON. Friday the Senate passed the bill (S. 9850) to authorize the board of trustees of the Postal Savings System to rent quarters for a central office in the city of Washington, D. C. I have been informed by the chairman of the Committee on Public Buildings and Grounds, who was not then present, that the Government now owns a large number of buildings in the territory which has been acquired with a view to the subsequent erection of large public buildings which can be utilized for this purpose and which will not be destroyed probably for some time, as it will be some time before work can be begun on those buildings. It seems to me, in view of that, that this is an unnecessary expense, and I desire therefore to enter notice of a motion to reconsider the action of the Senate.

I desire to state in this connection that probably when the matters come up reasons may be suggested why these buildings can not be utilized and why the action of the Senate should stand. If so, of course, the motion will not be pressed. But I think, in view of the statement made by the chairman of the Committee on Public Buildings and Grounds, there should be at least an opportunity for the Senate to pass upon the question whether the board of trustees can find quarters without trespassing upon the fund we have appropriated for the establishment of the postal savings banks.

I therefore enter the motion to reconsider, this being within the time, the bill having passed on Friday, and if the bill has been sent to the House, I add a request that it be returned to the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia.

The motion to reconsider was agreed to.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On January 13:

S. 115. An act for the relief of Marcellus Troxell.

On January 14:

S. 3904. An act for the relief of the Merritt & Chapman Derrick & Wrecking Co.

#### HOUSE BILLS REFERRED.

The following bills were severally read by their titles and referred to the Committee on Pensions:

H. R. 30135. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 30886. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 31161. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 31172. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

#### FOURTH INTERNATIONAL CONFERENCE OF AMERICAN STATES.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 744), which was read and, with accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

*To the Senate and the House of Representatives:*

I transmit herewith a letter from the Secretary of State, inclosing a report, with accompanying papers, of the delegates of the United States to the Fourth International Conference of American States, held at the city of Buenos Aires from July 12 to August 30, 1910.

WM. H. TAFT.

THE WHITE HOUSE, January 16, 1911.

#### REPORT OF PANAMA RAILROAD CO.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 743), which was read and, with the accompanying paper, referred to the Committee on Inter-oceanic Canals and ordered to be printed:

*To the Senate and the House of Representatives:*

I transmit herewith for the information of the Congress the Sixty-first Annual Report of the Board of Directors of the Panama Railroad Co. for the fiscal year ended June 30, 1910.

WM. H. TAFT.

THE WHITE HOUSE, January 16, 1911.

#### FUNERAL EXPENSES OF THE LATE STEPHEN B. ELKINS.

Mr. SCOTT submitted the following resolution (S. Res. 322), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the late Senator STEPHEN B. ELKINS, from the State of West Virginia, vouchers for the same to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

#### INTERIOR DEPARTMENT AND FOREST SERVICE.

Mr. PURCELL. I offer the following resolution and ask that it be read and lie on the table.

The resolution (S. Res. 323) was read, as follows:

Whereas on the 19th day of January, 1910, a joint resolution was adopted by the Senate and the House of Representatives for the purpose of investigating the action and conduct of the Interior Department and its several bureaus, officers, and employees, and of the Bureau of Forestry in the Department of Agriculture, with directions to the committee appointed to make such investigation and report to this Congress the evidence taken and the committee findings and conclusions thereon; and

Whereas the committee appointed to make such investigation has concluded its labors, and has reported the evidence taken, and also the findings and conclusions thereon made and reached by the members of said committee; and

Whereas there is disagreement among the members of said committee as to the findings and conclusions which should be drawn from the evidence taken and received by said committee: Therefore,

*Resolved*, That it is the sense of the Senate that the findings and conclusions reported by certain members of said committee to the effect that Mr. Richard A. Ballinger, Secretary of the Interior, has not been true to the trust reposed in him as such Secretary, that his administration of that office has been marked by a lack of fidelity to the public interests, that he is not deserving of public confidence and should not longer be retained in that office, are based upon and in substantial conformity with the evidence reported by the committee.

Mr. HALE. Mr. President—

The PRESIDING OFFICER. The Senator from North Dakota asks that the resolution lie on the table.

Mr. HALE. Mr. President, I hope the Senator from North Dakota will not call up the resolution for any action at any time unless there is a full Senate. I was going to make the point of order that it go over for a day, but finding he desires that it shall remain on the table, to be called up hereafter, I shall not object to that.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Mr. HALE. What was the final disposition of the resolution submitted by the Senator from North Dakota?

The PRESIDING OFFICER. The resolution submitted by the Senator from North Dakota lies upon the table by his request.

Mr. HALE. There is no objection to that.

The PRESIDING OFFICER. Morning business is closed.

#### ELECTION OF SENATORS BY DIRECT VOTE.

Mr. BORAH. Mr. President, I rise to say that on Thursday next at 2 o'clock, and immediately after the disposition of the unfinished business, I shall submit some remarks upon Senate joint resolution 134 proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States, and I shall at that time undertake to have a time fixed for a vote upon the joint resolution.

Mr. SUTHERLAND. Mr. President, I ask the Senator from Idaho whether it is his intention to call up the joint resolution between now and that date?

Mr. BORAH. It is not my intention to call it up before Thursday, although it is not my intention to permit any opportunity to go by in case we reach it in the disposition of business under Rule VIII on the calendar. I shall not myself, however, urge its consideration before Thursday.

Mr. CURTIS. Mr. President, I should like to ask the Senator from Idaho if he will not fix the date on Friday next. I am very anxious to be here when the vote is taken. I am in favor of the proposition, but it will be impossible for me to be present on Thursday.

Mr. RAYNER. Mr. President, we can not hear a word on this side of the Chamber about what disposition is to be made of this important joint resolution on account of the confusion in the Senate Chamber.

Mr. CURTIS. I requested the Senator from Idaho, if possible, to put off calling up the joint resolution until next Friday.

Mr. BORAH. I was only going to call up the joint resolution on Thursday for some remarks and for the purpose of securing a date thereafter for voting upon the joint resolution and amendments. It was not my purpose to dispose of it at that time. I had no such hope as that.

Mr. CURTIS. That will be satisfactory to me if there is no danger of a vote on that day.

Mr. HALE. Mr. President—

Mr. BORAH. I yield to the Senator from Maine.

Mr. HALE. I should be very glad, Mr. President, in the interest of the dispatch of the necessary business of the Senate, if the Senator would call up this joint resolution earlier than Thursday. So far as I can see, the prospect is that not much of anything is likely to be done this week and that no progress will be made upon any important matters that will be before the Senate. There are no appropriation bills that will be called up, because the Indian appropriation bill, it has been agreed, shall go over until the return of an absent Senator. I can not find, by dint of rather urgent inquiry, any Senator who is anxious to take the floor upon the privileged question involving the senatorship from Illinois or upon the shipping bill, which is the unfinished business. With certain responsibility as to appropriation bills, and the necessity of passing them before the 4th of March, with the time running out, with the fact that one-half of the session is already over, and that none of the appropriation bills have passed, except one deficiency bill, I am, Mr. President, disturbed by the condition of the business of the Senate. The desire for postponement, for delay, and the unreadiness upon subjects that we know will be and must be discussed here, threaten the practical confiscation of this week without anything being done. I wish the Senator in charge of the joint resolution proposing a constitutional amendment had been able to call this matter up, as he indicated on Friday he would, early this week. The sooner a matter of that kind is brought before the Senate for action—it is plain to see what the action of the Senate will be; there will be no obstructive tactics; it will undoubtedly be debated and opposed—the sooner we shall have it out of the way. The sooner we shall have the privileged question relating to the Illinois senatorship out of the way, and also the unfinished business, the shipping bill, the more space there will be in the last days of the session for the appropriation bills. The alternative, as the Senator can see, is the danger of not being able to pass the appropriation bills. I think everybody understands—there is but one opinion about that—that we should pass all the appropriation bills at this session and have them out of the way.

I do not say this as in any way spurring up the Senator. I know how difficult it is for any Senator who has charge of a measure to find Senators ready to speak. While they want to speak, they do not want to speak now; they want to speak at some other time; but I hope the Senator will bear in mind, in conducting this matter, to push it just as strenuously as he can.

Mr. BORAH. Mr. President, I am very glad to have the suggestion of the Senator from Maine, and I will heed it, so far as urging this matter is concerned, having due reference to the convenience of those who want to discuss the subject to some extent. After consulting a number of Members of the Senate I found that Thursday was the first day we could conveniently consider the matter without disturbing some of the plans and arrangements of Senators, and, therefore, I fixed that date; but, in view of the suggestion of the Senator from Maine, I will again test the sense of the Senate upon this matter by asking unanimous consent that we take up this joint resolution and all amendments which have been offered or which may be offered to it upon the 31st of January, immediately after the reading of the Journal, and that we vote upon the original joint resolution and all amendments before adjournment upon that date.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Idaho?

Mr. HEYBURN. Mr. President, I think the Senator from Idaho, my colleague, must be well aware of the fact that there is slight probability of obtaining unanimous consent to fix a time to vote upon a measure of this importance before it has been discussed at all. In the first place, those of whom the request is made will want to know something of the position developed by the discussion of the joint resolution. Such a request should never be made until after a measure has been thoroughly discussed. I have always regarded it more in the

nature of what is sometimes, in unparliamentary language, called a "bluff" when an attempt is made to get unanimous consent to vote upon something that is yet within the sack.

There are not half a dozen Senators in this body who know the shape and form in which the joint resolution will present itself after it has been discussed. It was my intention this morning, if it came up, to suggest some criticisms or criticism upon the joint resolution. The idea of creating a desert waste between now and some future day, in which nothing will be added to the information upon which Senators may act in determining how they will vote, does not seem to me to indicate a desire that a measure shall be so fully considered and that the wishes and the views of Senators shall be so fully considered as is commensurate with the consideration that should be given to a measure of this kind.

I say this in order that the Senator may not lose time by waiting until Thursday in the hope that he will then speedily and promptly get unanimous consent to vote upon the joint resolution. I shall not agree to unanimous consent to vote upon this measure until I have heard it discussed here thoroughly. I have not accumulated all the wisdom that is possible to be accumulated upon a measure of this kind. I have no doubt that I shall gather much from the discussion of it, but I shall not have enough to consent to a vote upon it until I have heard it discussed, giving full credit to that which I have gathered myself.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Objection is made to the request.

Mr. BORAH. I understand so. I only wish to say that I understood, of course, that objection would be made. I thought, however, in view of the suggestion of the Senator from Maine [Mr. HALE], whose suggestions we ought at all times to heed in the matter of disposing of business, that it was my duty to make this request. I am very sorry I did so, for I am sure that if my colleague has not accumulated sufficient wisdom to pass upon it the rest of the Senate must be in a deplorable condition. [Laughter.]

Now, Mr. President, I will renew the statement which I made a few moments ago, that upon Thursday I will address the Senate upon the subject of the joint resolution, and that at that time, taking it up after 2 o'clock, I shall undertake to get a time fixed for voting upon it, if not by unanimous consent, possibly in some other way.

Mr. BEVERIDGE and Mr. HEYBURN addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BEVERIDGE. Mr. President—

Mr. HEYBURN. Mr. President, I think I had the floor.

Mr. BEVERIDGE. No; the Senator's colleague [Mr. BORAH] had the floor and he yielded to the senior Senator from Idaho [Mr. HEYBURN] for some remarks. The Senator concluded his remarks and the Senator from Indiana was recognized by the Chair.

Mr. President, I had hoped, in view of the statement made by the senior Senator from Idaho [Mr. HEYBURN], that the junior Senator from Idaho [Mr. BORAH] would immediately press his joint resolution, not only to-day, but to-morrow and every other day when it would be consistent with the conduct of other business. I should not have made this suggestion a day ago or to-day except for the statement and attitude of the senior Senator from Idaho.

The statement of the Senator from Maine [Mr. HALE], of course, must have impressed everybody. I suppose we have all had it on our minds; but the Senator might have added another consideration which is a melancholy one, which we must meet, and which it is our sad duty to meet.

Of the six working weeks remaining to do business, one full week is to be given up, as is the custom of this body, to the tributes of the Senate to deceased Members. I think it has been stated before that the present circumstance in that regard is unique in the history of this body.

That leaves five weeks. During those five weeks the appropriation bills must be passed. In at least one of those is involved a great question, one which will occasion, even if it does not require, debate, and it may—it may so turn out—that two questions of general legislation will rise in these appropriation bills. In addition to this, there is the question, barely touched upon by the Senator from Maine, of the conclusion of the Senate upon the question raised by the case of the Senator from Illinois [Mr. LORIMER].

In addition to that there is the very important joint resolution so widely demanded by the people of this country and which involves a change in our fundamental law—the one in charge of the junior Senator from Idaho. In addition to that there is a large question of fundamental legislation which



is demanded universally by the business men of the country and to which at least one great party is committed. I refer to the tariff commission.

Now, there are five, to mention no other, really unusual questions which must be determined within five weeks. If it had not been for a satisfactory private conference with the Senator from Michigan this morning, I having expected him to go on and other Senators having expected him to go on to-day with the election case before us, I would have asked when he expected to proceed. But he does expect to proceed not later than Wednesday, and possibly to-morrow, and hence I do not ask that question; but all of us ought to face the exact situation if we expect these things to be passed within the limit of time at our command.

I was not present when the junior Senator from Idaho stated why it was that he was going to put off his resolution until Thursday, and unfortunately am not advised, but I suggest to every Senator who has any of these measures at heart that diligence is not only advisable, but absolutely vital. If the Senator's measure is to be passed at all, he can not lose a minute. If the election case is to be concluded nobody can lose a minute. If the appropriation bills are to be passed, including one or two great big questions, not a minute can be lost.

Everybody knows that five determined men here acting in concert can defeat any measure or any proposition before this body. We might just as well be frank with ourselves and the country. There are five working weeks and a greater congestion of business of wide consequence than the veteran Senators of this body have ever seen in their experience. It is for this reason, Mr. President, that I had hoped that the junior Senator from Idaho, who is so profoundly interested in this measure, but no more so than his colleagues who are supporting him, would avail himself of every moment.

I want to say in this connection, too, that I understand—and I state it because several Senators have asked me what I knew about it, and I knew nothing about it until a few moments ago, and I have this upon the authority of the Senator from Michigan—that the debate in the election case will proceed either to-morrow or Wednesday; not later. So Senators who have spoken to me or intend to address the Senate on that subject will have notice of that. And I understand also that the measure is to be pushed to a reasonably speedy conclusion.

Mr. BORAH. Mr. President, I simply want to say that I do not feel that I have lost any time in regard to this matter in view of conditions which I know to exist. I have canvassed the situation with some degree of care since Friday, and I feel that the matter is being urged as rapidly as it can be urged and make any progress. I am very glad that the anxiety for speedy movement is developing in all quarters.

Mr. GALLINGER. Mr. President, in view of the legislative tangle that is impending it is proper that I should make a single observation in reference to the unfinished business.

At the last session of Congress the so-called ocean mail bill was made the unfinished business, and it has been such from that time to the present. I had hoped that the debate on the bill would proceed continuously after it had been brought before the Senate at the beginning of this session. But no Senator was prepared to speak, and it drifted along until a few days ago, when I made some brief observations, trusting then that the measure would be discussed from day to day.

So far as I can ascertain—I may not be well informed on the question—there are very few Senators who desire to speak on the bill. I think it is conceded that it is a very simple proposition and one that ought to be voted upon without any unnecessary delay. The Senator from Ohio [Mr. BURTON] who is always greatly interested in these measures—and I regret to say that his views are opposed to those I hold—has intended to speak; I think he had planned to do so several days ago. But the Senator, like some of the rest of us, has been very greatly engrossed in the work of the Committee on Commerce, and he tells me this morning that he is not quite prepared to proceed.

Mr. President, I have never engaged in a filibuster in the 20 years I have been in the Senate, and I hope I never will be forced to do that. I do not like that kind of legislative procedure; and all I ask for the unfinished business is that it shall be treated fairly, and that we may come to a vote on the bill sufficiently early to send it to the House, if that shall be the judgment of the Senate, so that the House may have proper time for its consideration.

I now suggest that when the bill shall be reached at 2 o'clock I will venture to ask that a day be fixed for a vote upon the amendments and the bill, making it sufficiently late for every Senator who desires to speak on the measure to have an opportunity to do so. If it drifts along as it has been doing it is very evident that in the tangle that is before us it may

be displaced and not be voted upon at all, which certainly would not be agreeable to me, and which might lead me, in charge of that bill, to do some things in reference to other matters that I do not want to do. So, as I have suggested, at 2 o'clock I will venture to ask that a day for a vote be fixed, and I trust there may be no objection to that request when it shall be made.

Mr. HEYBURN. Mr. President, I had felt inclined to confer with the Senator from New Hampshire [Mr. GALLINGER] upon the propriety of objecting to the laying aside of the unfinished business as a means of securing action upon it. I am very heartily in sympathy with the measure and have been since the matter has been a public question. I expect that the Senate would be ready to vote upon it at a very early day were it pressed every day at 2 o'clock, to the exclusion of every other measure. I am inclined to think that that may become necessary at a very early day. Of course, it has the right of way, and an objection to its being laid aside will compel its continued consideration. I regard it as one of the most important measures before Congress, so much more important than these sensational questions that are being pressed as to leave no cause for hesitation in determining my action, at least.

There is real legislation here pending and there are measures pending that are hardly within the class of legislation. They are measures generally emanating from some sensational climax or episode. They do not command my very serious attention. But matters of legislation that are to be, if enacted, a part of the law of the land, are a very different proposition. The shipping bill is one of that class. The revision of the laws affecting the judiciary of the United States and the courts, with 30 years of accumulated legislation to be written into the law, is real legislation. While the Senate seems content to leave it to a few of its Members and to trust them to formulate it and to press it, yet nevertheless it should bear in mind at all times that having imposed a duty of that kind upon Members of the Senate, it should be ready at any time to take up those measures when its committee is ready.

It is my intention every day at a proper time to ask that the Senate proceed to the consideration of that measure. It is the result of 20 years of experience and expense, and the work of the consideration of that measure in this body has occupied a considerable time. It could be finished at any two sessions during that period of the session before 2 o'clock if we could have the attention of the Senate. It may be that I will not receive unanimous consent to proceed with the consideration of it, and, it being under Rule IX, I shall then be compelled to move to take it up, and that was my intention and I was rising to my feet this morning for that purpose when my colleague called the attention of the Senate to the joint resolution which is intended to change the foundations of this body. I may be pardoned for classing that as sensational legislation, and yet I feel compelled to do it.

Mr. HALE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Maine?

Mr. HEYBURN. It depends for what purpose. I do not yield to a motion to adjourn. [Laughter.]

Mr. HALE. I want to help the Senator.

Mr. HEYBURN. I saw it done the other day, and I was wondering—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Maine?

Mr. HEYBURN. If the Senator will state his purpose, I will determine.

Mr. HALE. I want to help the Senator with his bill, which, as he says, is real legislation. I interrupted him to ask whether in this hiatus that we are in to-day, with nobody ready to go on with anything else, he could not get up his bill.

Mr. HEYBURN. I have the bill before me on the desk, and I had risen for the purpose of asking its consideration when my colleague interposed.

Mr. HALE. That matter is out of the way. I hope the Senator will get up his most important bill and stick to it through the entire day. I do not think anybody else will interfere with him, and I will not even make a motion to adjourn.

#### ✓ REVISION OF LAWS—JUDICIARY TITLE.

Mr. HEYBURN. Mr. President, if there is nothing else pending—there is nothing more important; I will decide that—I move that the Senate proceed to consider the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary.

Mr. BORAH. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. I must yield for a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Idaho moves that the Senate proceed to the consideration of what is known as the codification bill.

Mr. BORAH. Mr. President—

Mr. HEYBURN. Let the question be put, if you please, and then I will yield.

Mr. BORAH. I understand this is a motion.

Mr. HEYBURN. Yes; a motion.

The PRESIDING OFFICER. It is a motion.

Mr. BORAH. I should like to inquire whether if the motion prevails it will give this bill any status after to-day other than it would have if the motion had not prevailed.

Mr. HEYBURN. No; not at all.

The PRESIDING OFFICER. Not unless the Senate so directs.

Mr. GALLINGER. Not after 2 o'clock, at any rate.

Mr. HEYBURN. No.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho [Mr. HEYBURN].

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. HEYBURN. In order that the minds of Senators may be refreshed, when chapter 5—

Mr. BEVERIDGE. Will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. HEYBURN. Yes.

Mr. BEVERIDGE. I merely want to straighten out the matter by referring to what occurred here before the holidays, and what, if not called attention to now, might lead to an unnecessary tangle hereafter.

The Senator from New Hampshire, whose parliamentary procedure I never criticize, has suggested that he proposed to keep the unfinished business before the body, and the Senator from Idaho called attention to the fact that he should do so. I merely want to call the attention of the Senator from Idaho to the fact that the Senator from New Hampshire, seasoned parliamentarian that he is and scrupulous observer of the proprieties, said most appropriately when the question of the election case was raised before the holidays, when he objected and gave good reasons for objecting to the request for unanimous consent, that he would see to it that the unfinished business at no time stood in the way either of the discussion or disposition of that question; and I merely repeat that so that the RECORD may not be confused by what the Senator from Idaho said, unexplained by this statement.

Mr. HEYBURN. Mr. President, on March 30 last this bill was laid aside at the consideration of section 131, but by unanimous consent we had passed over chapter 5. Chapter 5 deals with the creation and organization of the districts throughout the entire United States, and at that time all Senators were not sufficiently advised as to whether the description of the districts in the bill conformed to their impression as to the accurate descriptions, and it was suggested that by passing over that chapter they would have an opportunity to investigate its provisions and see whether as a matter of fact the descriptions were correctly described. There has been a considerable length of time and in order that Senators might have the opportunity sometime ago I had an amendment prepared which accurately states the present status of the judicial districts in the United States subject to the notes in regard to one or two districts where the changes are agreed upon. I find on the desk this morning a proposed amendment introduced on Friday by the Senator from Florida [Mr. FLETCHER] with reference to the districts in that State. There will be no controversy on the part of the committee; where any Senator makes a statement to the Senate that the districts are other than enumerated in this amendment, it will be conceded. So I ask that the Secretary proceed to read chapter 5, and I would suggest to Senators when their States are reached that they indicate any corrections they may have to offer.

The PRESIDING OFFICER. The Secretary will proceed to read chapter 5.

Mr. HEYBURN. Read the amendment. I have offered the amendment.

The Secretary read as follows:

#### CHAPTER 5.

DISTRICT COURTS—DISTRICTS, AND PROVISIONS APPLICABLE TO PARTICULAR STATES.

Sec.  
67. Judicial districts.  
68. Alabama.  
69. Arkansas.  
70. California.  
71. Colorado.  
72. Connecticut.

Sec.  
73. Delaware.  
74. Florida.  
75. Georgia.  
76. Idaho.  
77. Illinois.  
78. Indiana.

Sec.

79. Iowa.  
80. Kansas.  
81. Kentucky.  
82. Louisiana.  
83. Maine.  
84. Maryland.  
85. Massachusetts.  
86. Michigan.  
87. Minnesota.  
88. Mississippi.  
89. Missouri.  
90. Montana.  
91. Nebraska.  
92. Nevada.  
93. New Hampshire.  
94. New Jersey.  
95. New York.  
96. North Carolina.

Sec.

97. North Dakota.  
98. Ohio.  
99. Oklahoma.  
100. Oregon.  
101. Pennsylvania.  
102. Rhode Island.  
103. South Carolina.  
104. South Dakota.  
105. Tennessee.  
106. Texas.  
107. Utah.  
108. Vermont.  
109. Virginia.  
110. Washington.  
111. West Virginia.  
112. Wisconsin.  
113. Wyoming.

Sec. 67. The United States are divided into judicial districts as follows:

Sec. 68. [The State of Alabama is divided into three judicial districts, to be known as the northern, middle, and southern districts of Alabama. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Cullman, Jackson, Lawrence, Limestone, Madison, and Morgan, which shall constitute the northeastern division of said district; also the territory embraced on the date last mentioned in the counties of Colbert, Franklin, Lauderdale, Marion, and Winston, which shall constitute the northwestern division of said district; also the territory embraced on the date last mentioned in the counties of Cherokee, DeKalb, Etowah, Marshall, and St. Clair, which shall constitute the middle division of said district; also the territory embraced on the date last mentioned in the counties of Blount, Fayette, Jefferson, Lamar, Shelby, and Walker, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Calhoun, Clay, Cleburne, and Talladega, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Bibb, Greene, Pickens, Sumter, and Tuscaloosa, which shall constitute the western division of said district. Terms of the district court for the northeastern division shall be held at Huntsville on the first Tuesday in April and the second Tuesday in October; for the northwestern division at Florence on the second Tuesday in February and the third Tuesday in October; *Provided*, That suitable rooms and accommodations for holding court at Florence shall be furnished free of expense to the Government; for the middle division at Gadsden on the first Tuesdays in February and August; *Provided*, That suitable rooms and accommodations for the holding court at Gadsden shall be furnished free of expense to the Government; for the southern division at Birmingham on the first Mondays in March and September, which courts shall remain in session for the transaction of business at least six months in each calendar year; for the eastern division at Anniston on the first Mondays in May and November; and for the western division at Tuscaloosa on the first Tuesdays in January and June. The clerk of the court for the northern district shall maintain an office in charge of himself or a deputy at Anniston, at Florence, and at Gadsden, which shall be kept open at all times for the transaction of the business of said court. The district judge for the northern district shall reside at Birmingham. The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Autauga, Barbour, Bullock, Butler, Chilton, Chambers, Coosa, Covington, Crenshaw, Elmore, Lee, Lowndes, Macon, Montgomery, Pike, Randolph, Russell, and Tallapoosa, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Coffee, Dale, Geneva, Henry, and Houston, which shall constitute the southern division of said district. Terms of the district court for the northern division shall be held at Montgomery on the first Tuesdays in May and December; and for the southern division at Dothan on the first Mondays in June and December. The clerk for the middle district shall maintain an office, in charge of himself or a deputy, at Dothan, which shall be kept open at all times for the transaction of the business of said division. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Baldwin, Choctaw, Clarke, Conecuh, Escambia, Mobile, Monroe, and Washington, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Dallas, Hale, Marengo, Perry, and Wilcox, which shall constitute the northern division of said district. Terms of the district court for the southern division shall be held at Mobile on the fourth Mondays in May and November; and for the northern division at Selma on the first Mondays in May and November.]

Mr. HEYBURN. I call the attention of the Senator from Alabama [Mr. JOHNSTON] to the memorandum that will be found attached to the amendment:

Sec. 68. Existing law requires that a term of court shall be held at Anniston, in the eastern division of the northern district, on the first Monday in November, and also at Florence, in the northwestern division of that district, on the same date.

There was a condition of affairs that the committee has taken the privilege of correcting, because the court could not sit at both places. It also requires a term to be held at Florence on the first Monday of February, and a term to be held at Gadsden, in the middle division, on the first Tuesday of February. That is an impossible physical condition. So to remedy this conflict in dates, on the recommendation of the district attorney whom we corresponded with, it is proposed to change the time for holding court at Florence to the second Tuesday of February and the third Tuesday of October. I call attention to it, because it was a condition that we had to deal with.

Mr. JOHNSTON. Yes; I think that will be entirely satisfactory. I think that the changes made by the committee are not only necessary, but will be entirely satisfactory and convenient to the citizens of the district.

The Secretary read as follows:

Sec. 69. [The State of Arkansas is divided into two districts, to be known as the eastern and western districts of Arkansas. The western



district shall include the territory embraced on the 1st day of July, 1910, in the counties of Sevier, Howard, Little River, Pike, Hempstead, Miller, Lafayette, Columbia, Nevada, Ouachita, Union, and Calhoun, which shall constitute the Texarkana division of said district; also the territory embraced on the date last mentioned in the counties of Polk, Scott, Yell, Logan, Sebastian, Franklin, Crawford, Washington, Benton, and Johnson, which shall constitute the Fort Smith division of said district; also the territory embraced on the date last mentioned in the counties of Baxter, Boone, Carroll, Madison, Marion, Newton, and Searcy, which shall constitute the Harrison division of said district. Terms of the district court for the Texarkana division shall be held at Texarkana on the second Mondays in May and November; for the Fort Smith division at Fort Smith on the second Mondays in January and June; and for the Harrison division at Harrison on the second Mondays in April and October. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Mississippi, Crittenden, Lee, Phillips, Clay, Craighead, Poinsett, Greene, Cross, St. Francis, and Monroe, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Independence, Cleburne, Stone, Izard, Sharp, Fulton, Randolph, Lawrence, and Jackson, which shall constitute the northern division; also the territory embraced on the date last mentioned in the counties of Arkansas, Ashley, Bradley, Chicot, Clark, Cleveland, Conway, Dallas, Desha, Drew, Faulkner, Garland, Grant, Hot Spring, Jefferson, Lincoln, Lonoke, Montgomery, Perry, Pope, Prairie, Pulaski, Saline, Van Buren, White, and Woodruff, which shall constitute the western division of said district. Terms of the district court for the eastern division shall be held at Helena on the second Monday in March and the first Monday in October, and at Jonesboro on the second Mondays in May and November; for the northern division at Batesville on the fourth Monday in May and the second Monday in December; and for the western division at Little Rock on the first Monday in April and the third Monday in October. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Little Rock, at Helena, and at Batesville, which shall be kept open at all times for the transaction of the business of the court. And the clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Fort Smith, at Harrison, and at Texarkana, which shall be kept open at all times for the transaction of the business of the court.]

SEC. 70. [The State of California is divided into two districts, to be known as the northern and southern districts of California. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, and Tulare, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura, which shall constitute the southern division of said district. Terms of the district court for the northern division shall be held at Fresno on the first Monday in May and the second Monday in November; and for the southern division at Los Angeles on the second Monday in January and the second Monday in July, and at San Diego on the second Mondays in March and September. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo, and Yuba. Terms of the district court for the northern district shall be held at San Francisco on the first Monday in March, the second Monday in July, and the first Monday in November; at Sacramento on the second Monday in April; and at Eureka on the third Monday in July.]

SEC. 71. [The State of Colorado shall constitute one judicial district, to be known as the district of Colorado. Terms of the district court shall be held at Denver on the first Tuesdays in May and November; at Pueblo on the first Tuesday in April; and at Montrose on the second Tuesday in September.]

SEC. 72. [The State of Connecticut shall constitute one judicial district, to be known as the district of Connecticut. Terms of the district court shall be held at New Haven on the fourth Tuesdays in February and August; and at Hartford on the fourth Tuesday in May and the first Tuesday in December.]

SEC. 73. [The State of Delaware shall constitute one judicial district, to be known as the district of Delaware. Terms of the district court shall be held at Wilmington on the second Tuesdays in March, June, September, and December.]

SEC. 74. [The State of Florida is divided into two districts, to be known as the northern and southern districts of Florida. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Baker, Bradford, Brevard, Citrus, Clay, Columbia, Dade, De Soto, Duval, Hamilton, Hernando, Hillsboro, Lake, Lee, Madison, Manatee, Marion, Monroe, Nassau, Orange, Osceola, Palm Beach, Pasco, Polk, Putnam, St. John, Sumter, Suwanee, St. Lucie, and Volusia. Terms of the district court for the southern district shall be held at Ocala on the third Monday in January; at Tampa on the second Monday in February; at Key West on the first Mondays in May and November; at Jacksonville on the first Monday in December; at Fernandina on the first Monday in April; and at Miami on the fourth Monday in April.

The district court for the southern district shall be open at all times for the purpose of hearing and deciding causes of admiralty and maritime jurisdiction. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alachua, Calhoun, Escambia, Franklin, Gadsden, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Santa Rosa, Taylor, Wakulla, Walton, and Washington. Terms of the district court for the northern district shall be held at Tallahassee on the first Monday in February; at Pensacola on the first Monday in March; at Marianna on the first Mondays in April and November; and at Gainesville on the first Mondays in May and December.]

Mr. FLETCHER. I desire to offer an amendment to section 74.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 11 of the amendment strike out lines 10, 11, 12, and 13, as follows:

on the first Monday in February; at Pensacola on the first Monday in March; at Marianna on the first Mondays in April and November; and at Gainesville on the first Mondays in May and December.]

And insert the following:

on the second Monday in January; at Pensacola on the first Mondays in May and November; at Marianna on the first Monday in April; and at Gainesville on the second Mondays in June and December.

Mr. HEYBURN. There is no objection to that amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. Is the further description satisfactory to the Senator from Florida?

Mr. FLETCHER. Yes; all the rest is satisfactory.

The Secretary continued the reading of the amendment, as follows:

SEC. 75. [The State of Georgia is divided into two districts, to be known as the northern and southern districts of Georgia. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Campbell, Carroll, Clayton, Cobb, Coweta, Cherokee, DeKalb, Douglas, Dawson, Fannin, Fayette, Fulton, Forsyth, Gilmer, Gwinnett, Hall, Henry, Lumpkin, Milton, Newton, Pickens, Rockdale, Spalding, Towns, and Union, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Banks, Clarke, Elbert, Franklin, Greene, Habersham, Hart, Jackson, Morgan, Madison, Oglethorpe, Oconee, Rabun, Stephens, Walton, and White, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Chattahoochee, Clay, Early, Harris, Heard, Meriwether, Marion, Muscogee, Quitman, Randolph, Schley, Stewart, Talbot, Taylor, Terrell, Troup, and Webster, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Bartow, Chattooga, Catoosa, Dade, Floyd, Gordon, Haralson, Murray, Paulding, Polk, Walker, and Whitfield, which shall constitute the northwestern division of said district. Terms of the district court for northern division of said district shall be held at Atlanta on the second Monday in March and the first Monday in October; for the eastern division at Athens on the second Monday in April and the first Monday in November; for the western division at Columbus on the first Mondays in May and December; and for the northwestern division at Rome on the third Mondays in May and November. The clerk of the court for the northern district shall maintain an office in charge of himself or a deputy at Athens, at Columbus, and at Rome, which shall be kept open at all times for the transaction of the business of the court. The southern district shall include the territory embraced on the said 1st day of July, 1910, in the counties of Appling, Bulloch, Bryan, Camden, Chatham, Emanuel, Effingham, Glynn, Jeff Davis, Liberty, Montgomery, McIntosh, Screven, Tatnall, Toombs, and Wayne, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Baldwin, Bibb, Butts, Crawford, Dodge, Dooly, Hancock, Houston, Jasper, Jones, Laurens, Macon, Monroe, Pike, Pulaski, Putnam, Sumter, Telfair, Twiggs, Upson, Wilcox, and Wilkinson, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Burke, Columbia, Glascock, Jefferson, Jenkins, Johnson, Lincoln, McDuffie, Richmond, Taliaferro, Washington, Wilkes, and Warren, which shall constitute the northeastern division; also the territory embraced on the date last mentioned in the counties of Berrien, Brooks, Charlton, Clinch, Coffee, Decatur, Echols, Grady, Irwin, Lowndes, Pierce, Thomas, and Ware, which shall constitute the southwestern division; and also the territory embraced on the date last mentioned in the counties of Baker, Ben Hill, Calhoun, Crisp, Colquitt, Dougherty, Lee, Miller, Mitchell, Tift, Turner, and Worth, which shall constitute the Albany division. Terms of the district court for the western division shall be held at Macon on the first Mondays in May and October; for the eastern division at Savannah on the second Tuesdays in February, May, August, and November; for the northeastern division at Augusta on the first Monday in April and the third Monday in November; for the southwestern division at Valdosta on the second Mondays in June and December; and for the Albany division at Albany on the third Mondays in June and December.]

Mr. BACON. Mr. President, I desire to say that, while I have had no opportunity to verify this enumeration of the various counties of the several districts, I presume it is correct, but if I should subsequently discover that there are any inaccuracies there will doubtless be opportunity for me to make the correction.

Mr. HEYBURN. Mr. President, I think the Senator from Georgia will find that it is absolutely correct.

Mr. BACON. I am quite sure of that.

Mr. HEYBURN. I have taken the greatest pains to have them checked up not only by the public records here, but by correspondence with United States attorneys and other officers who are interested in knowing. The matter went to the printer before there was any possibility of change.

Mr. BACON. I am quite sure it is correct, but I simply made that suggestion out of abundance of caution.

The Secretary resumed and continued the reading of the amendment, as follows:

SEC. 76. [The State of Idaho shall constitute one judicial district, to be known as the district of Idaho. It is divided into three divisions, to be known as the northern, central, and southern divisions. The northern division shall include the territory embraced on the 1st day of July, 1910, in the counties of Bonner, Idaho, Kootenai, Latah, Nez Perce, and Shoshone, including the Coeur d'Alene and the Nez Perce Indian Reservations. The central division shall include the territory embraced on the date last mentioned in the counties of Ada, Boise, Blaine, Canyon, Cassia, Elmore, Lincoln, Owyhee, Twin Falls, and Washington, including that portion of the Duck Valley Indian Reservation lying in the State of Idaho. The southern division shall include the territory embraced on the date last mentioned in the counties of Bingham, Bannock, Bear Lake, Custer, Fremont, Lemhi, and Oneida, including the Fort Hall and the Lemhi Indian Reservations. Provided, That any new county created out of any of such territory shall remain part of the division out of which it, or the larger portion thereof, shall be created; but if a portion of a county

of one division shall be attached to a county of another division it shall become a part of the latter division. Terms of the district court for the northern division shall be held at Moscow on the second Monday in May and the fourth Monday in October, for the central division at Boise City on the second Mondays in March and September, and for the southern division at Pocatello on the second Monday in April and the first Monday in October. The clerk of the court shall maintain an office in charge of himself or a deputy at Moscow, at Boise City, and at Pocatello, which shall be open at all times for the transaction of the business of the court.]

SEC. 77. [The State of Illinois is divided into three districts, to be known as the northern, southern, and eastern districts of Illinois. The northern district shall include the territory embraced on the 1st day of July 1910, in the counties of Cook, DeKalb, Dupage, Grundy, Kane, Kendall, Lake, La Salle, McHenry, and Will, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Boone, Carroll, Jo Daviess, Lee, Ogle, Stephenson, Whiteside, and Winnebago, which shall constitute the western division. Terms of the district court for the eastern division shall be held at Chicago on the first Mondays in February, March, April, May, June, July, September, October, and November, and the third Monday in December; and for the western division at Freeport on the third Mondays in April and October. The clerk of the court for the northern district shall maintain an office in charge of himself or a deputy at Chicago and at Freeport, which shall be kept open at all times for the transaction of the business of the court. The marshal for the northern district shall maintain an office in the division in which he himself does not reside and shall appoint at least one deputy who shall reside therein. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bureau, Fulton, Henderson, Henry, Knox, Livingston, McDonough, Marshall, Mercer, Putnam, Peoria, Rock Island, Stark, Tazewell, Warren, and Woodford, which shall constitute the northern division; also the territory embraced on the date last mentioned in the counties of Adams, Bond, Brown, Calhoun, Cass, Christian, Dewitt, Greene, Hancock, Jersey, Logan, McLean, Macon, Macoupin, Madison, Mason, Menard, Montgomery, Morgan, Pike, Sangamon, Schuyler, and Scott, which shall constitute the southern division. Terms of the district court for the northern division shall be held at Peoria on the third Mondays in April and October; for the southern division at Springfield on the first Mondays in January and June; and at Quincy on the first Mondays in March and September. The clerk of the court for the southern district shall maintain an office in charge of himself or a deputy at Peoria, at Springfield, and at Quincy, which shall be kept open at all times for the transaction of the business of the court. The marshal for said southern district shall appoint at least one deputy residing in the said northern division, who shall maintain an office at Peoria. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alexander, Champaign, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Hamilton, Hardin, Iroquois, Jackson, Jasper, Jefferson, Johnson, Kankakee, Lawrence, Marion, Massac, Monroe, Moultrie, Perry, Platt, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Shelby, Union, Vermillion, Wabash, Washington, Wayne, White, and Williamson. Terms of the district court for the eastern district shall be held at Danville on the first Mondays in March and September; at Cairo on the first Mondays in April and October; and at East St. Louis on the first Mondays in May and November. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Danville, at Springfield, and at East St. Louis, which shall be kept open at all times for the transaction of the business of the court, and shall there keep the records, files, and documents pertaining to the court at that place.]

SEC. 78. [The State of Indiana shall constitute one judicial district, to be known as the district of Indiana. Terms of the district court shall be held at Indianapolis on the first Tuesdays in May and November; at New Albany on the first Mondays in January and July; at Evansville on the first Mondays in April and October; at Fort Wayne on the second Tuesdays in June and December; and at Hammond on the third Tuesdays in April and October. The clerk of the court shall appoint four deputy clerks, one of whom shall reside and keep his office at New Albany, one at Evansville, one at Fort Wayne, and one at Hammond. Each deputy shall keep in his office full records of all actions and proceedings of the district court held at that place.]

SEC. 79. [The State of Iowa is divided into two judicial districts, to be known as the northern and southern districts of Iowa. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Allamakee, Dubuque, Buchanan, Clayton, Delaware, Fayette, Winneshiek, Howard, Chickasaw, Bremer, Blackhawk, Floyd, Mitchell, and Jackson, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Jones, Cedar, Linn, Johnson, Iowa, Benton, Tama, Grundy, and Hardin, which shall constitute the Cedar Rapids division; also the territory embraced on the date last mentioned in the counties of Emmet, Palo Alto, Pocahontas, Calhoun, Kossuth, Humboldt, Webster, Winnebago, Hancock, Wright, Hamilton, Worth, Cerro Gordo, Franklin, and Butler, which shall constitute the central division; also the territory embraced on the date last mentioned in the counties of Dickinson, Clay, Buena Vista, Sac, Osceola, O'Brien, Cherokee, Ida, Lyon, Sioux, Plymouth, Woodbury, and Monona, which shall constitute the western division. Terms of the district court for the eastern division shall be held at Dubuque on the fourth Tuesday in April and the first Tuesday in December; for the Cedar Rapids division at Cedar Rapids on the first Tuesday in April and the fourth Tuesday in September; for the central division at Fort Dodge on the second Tuesdays in June and November; and for the western division at Sioux City on the fourth Tuesday in May and the third Tuesday in October. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Louisa, Henry, Des Moines, Lee, and Van Buren, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Marshall, Story, Boone, Greene, Guthrie, Dallas, Polk, Jasper, Poweshiek, Marion, Warren, and Madison, which shall constitute the central division of said district; also the territory embraced on the date last mentioned in the counties of Carroll, Crawford, Harrison, Shelby, Audubon, Cass, Pottawattamie, Mills, and Montgomery, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Adair, Adams, Clarke, Decatur, Fremont, Lucas, Page, Ringgold, Taylor, Union, and Wayne, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Scott, Muscatine, Washington, and Clinton, which shall constitute the Davenport division of said district; also the territory embraced on the date last mentioned

in the counties of Davis, Appanoose, Mahaska, Keokuk, Jefferson, Monroe, and Wapello, which shall constitute the Ottumwa division of said district. Terms of the district court for the eastern division shall be held at Keokuk on the second Tuesday in April and the third Tuesday in October; for the central division at Des Moines on the second Tuesday in May and the third Tuesday in November; for the western division at Council Bluffs on the second Tuesday in March and the third Tuesday in September; for the southern division at Creston on the fourth Tuesday in March and the first Tuesday in November; for the Davenport division at Davenport on the fourth Tuesday in April and the first Tuesday in October; and for the Ottumwa division at Ottumwa on the first Monday after the fourth Tuesday in March, and the first Monday after the third Tuesday in October. The clerk of the court for said district shall maintain an office in charge of himself or a deputy at Davenport and at Ottumwa, for the transaction of the business of said divisions.]

Mr. HEYBURN. Mr. President, with reference to section 79, which deals with Iowa, I will say the Senators from Iowa are not present, but acting upon the request of the United States attorneys and courts the committee have made some changes in section 79. In the memorandum at the end of the amendment there is the following statement:

Section 79: The acts authorizing the holding of terms of court at Davenport and at Ottumwa conferred upon the court authority to fix the times of holding court at those places. The court did so, and for three years has held court at those places on the dates so fixed.

Upon the recommendation of the district attorney those dates are carried into the revision.

Those provisions requiring the clerk and marshal to maintain deputies at Creston were struck out by the House when it had the section under consideration, upon the motion of the Iowa Members interested, and upon their statement that the business at that place was so small as not to warrant the keeping of deputies there. It is for that reason omitted here.

I will ask that that section be passed over, not for the day, but merely until one of the Senators from Iowa may be present, because while the action was taken upon the recommendation of the House Members from Iowa, it might or might not be agreeable to the Senators from that State, and so I propose that we pass over section 79 for the present.

THE PRESIDING OFFICER (Mr. SMOOT in the chair). Without objection section 79 will be passed over.

The Secretary resumed and continued the reading of the amendment, as follows:

SEC. 80. [The State of Kansas shall constitute one judicial district, to be known as the district of Kansas. It is divided into three divisions, to be known as the first, second, and third divisions of the district of Kansas. The first division shall include the territory embraced on the 1st day of July, 1910, in the counties of Atchison, Brown, Chase, Cheyenne, Clay, Cloud, Decatur, Dickinson, Doniphan, Douglas, Ellis, Franklin, Geary, Gove, Graham, Jackson, Jefferson, Jewell, Johnson, Leavenworth, Lincoln, Logan, Lyon, Marion, Marshall, Mitchell, Morris, Nemaha, Norton, Osage, Osborne, Ottawa, Phillips, Pottawatomie, Rawlins, Republic, Riley, Rooks, Russell, Saline, Shawnee, Sheridan, Sherman, Smith, Thomas, Trego, Wabunsee, Wallace, Washington, and Wyandotte. The second division shall include the territory embraced on the date last mentioned in the counties of Barber, Barton, Butler, Clark, Comanche, Cowley, Edwards, Ellsworth, Finney, Ford, Grant, Gray, Greeley, Hamilton, Harper, Harvey, Hodgeman, Haskell, Kingman, Kiowa, Kearny, Lane, McPherson, Morton, Meade, Ness, Pratt, Pawnee, Reno, Rice, Rush, Scott, Sedgewick, Stafford, Stevens, Seward, Sumner, Stanton, and Wichita. The third division shall include the territory embraced on the said date last mentioned in the counties of Allen, Anderson, Bourbon, Cherokee, Coffey, Chautauque, Crawford, Elk, Greenwood, Labette, Linn, Miami, Montgomery, Neosho, Wilson, and Woodson. Terms of the district court for the first division shall be held at Leavenworth on the second Monday in October; at Topeka on the second Monday in April; at Kansas City on the second Monday in January and the first Monday in October; and at Salina on the second Monday in May; but no cause, action, or proceeding shall be tried or considered at any term held at Salina unless by consent of all the parties thereto, or by order of the court for cause. Terms of the district court for the second division shall be held at Wichita on the second Mondays in March and September; and for the third division, at Fort Scott on the first Monday in May and the second Monday in November. The clerk of the district court shall appoint two deputies, one of whom shall reside and keep his office at Fort Scott, and the other at Wichita; and the marshal shall appoint a deputy who shall reside and keep his office at Fort Scott.]

SEC. 81. [The State of Kentucky is divided into two districts, to be known as the eastern and western districts of Kentucky. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Carroll, Trimble, Henry, Shelby, Anderson, Mercer, Boyle, Gallatin, Boone, Kenton, Campbell, Pendleton, Grant, Owen, Franklin, Bourbon, Scott, Woodford, Fayette, Jessamine, Garrard, Madison, Lincoln, Rockcastle, Pulaski, Wayne, Whitley, Bell, Knox, Harlan, Laurel, Clay, Leslie, Letcher, Perry, Owsley, Jackson, Estill, Lee, Breathitt, Knott, Pike, Floyd, Magoffin, Martin, Johnson, Lawrence, Boyd, Greenup, Carter, Elliott, Morgan, Wolfe, Powell, Menifee, Clark, Montgomery, Bath, Rowan, Lewis, Fleming, Mason, Bracken, Robertson, Nicholas, and Harrison, with the waters thereof. Terms of the district court for the eastern district shall be held at Frankfort on the second Monday in March and the fourth Monday in September; at Covington on the first Monday in April and the third Monday in October; at Richmond on the fourth Monday in April and the second Monday in November; at London on the second Monday in May and the fourth Monday in November; at Catlettsburg on the fourth Monday in May and the second Monday in December; and at Jackson on the first Monday in March and the third Monday in September: *Provided*, That suitable rooms and accommodations are furnished for holding court at Jackson free of expense to the Government until such time as a public building shall be erected there. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Oldham, Jefferson, Spencer, Bullitt, Nelson, Washington, Marion, Larue, Taylor, Casey, Green, Adair, Russell, Clinton, Cumberland, Monroe, Metcalfe, Allen, Barren, Simpson, Logan, Warren, Butler, Hart, Ed-



monson, Grayson, Hardin, Meade, Breckenridge, Hancock, Daviess, Ohio, McLean, Muhlenberg, Todd, Christian, Trigg, Lyon, Caldwell, Livingston, Crittenden, Hopkins, Webster, Henderson, Union, Marshall, Calloway, McCracken, Graves, Ballard, Carlisle, Hickman, and Fulton, with the waters thereof, of which the counties of Daviess, Henderson, Union, Christian, Todd, Hopkins, Webster, McLean, Muhlenberg, Logan, Butler, Grayson, Ohio, Hancock, and Breckenridge, with the waters thereof, shall constitute the Owensboro division. Terms of the district court for the western district shall be held at Louisville on the second Mondays in March and October; at Owensboro on the first Monday in May and the fourth Monday in November; at Paducah on the third Mondays in April and November; and at Bowling Green on the third Monday in May and the second Monday in December. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Frankfort, at Covington, at Richmond, at London, at Catlettsburg, and at Jackson; and the clerk for the western district shall maintain an office in charge of himself or a deputy at Louisville, at Owensboro, at Paducah, and at Bowling Green, each of which offices shall be kept open at all times for the transaction of the business of said court. The clerks of the courts for the eastern and western districts, upon issuing original process in a civil action, shall make it returnable to the court nearest to the county of the residence of the defendant, or of that defendant whose county is nearest to a court, and shall, immediately upon payment by the plaintiff of his fees accrued, send the papers filed to the clerk of the court to which the process is made returnable; and whenever the process is not thus made returnable, any defendant may, upon motion, on or before the calling of the cause, have it transferred to the court to which it should have been sent had the clerk known the residence of the defendant when the action was brought; but these provisions are subject to the provision herebefore contained constituting the Owensboro division.]

Sec. 82. [The State of Louisiana is divided into two judicial districts, to be known as the eastern and western districts of Louisiana. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the parishes of Assumption, Iberia, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Terrebonne, and Washington, which shall constitute the *New Orleans* division; also the territory embraced on the date last mentioned in the parishes of Ascension, East Baton Rouge, East Feliciana, Livingston, Pointe Coupee, St. Helena, West Baton Rouge, Iberville, and West Feliciana, which shall constitute the *Baton Rouge* division of said district. Terms of the district court for the *New Orleans* division shall be held at New Orleans on the third Mondays in February, May, and November; and for the *Baton Rouge* division at Baton Rouge on the second Mondays in April and November. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at New Orleans and at Baton Rouge, which shall be kept open at all times for the transaction of the business of the court. The western district shall include the territory embraced on the 1st day of July, 1910, in the parishes of St. Landry, Evangeline, St. Martin, Lafayette, and Vermilion, which shall constitute the *Opelousas* division of said district; also the territory embraced on the date last mentioned in the parishes of Rapides, Avoyelles, Catahoula, La Salle, Grant, and Winn, which shall constitute the *Alexandria* division of said district; also the territory embraced on the said date last mentioned in the parishes of Caddo, De Soto, Bossier, Webster, Claiborne, Bienville, Natchitoches, Sabine, and Red River, which shall constitute the *Shreveport* division of said district; also the territory embraced on the date last mentioned in the parishes of Ouachita, Franklin, Richland, Morehouse, East Carroll, West Carroll, Madison, Tensas, Concordia, Union, Caldwell, Jackson, and Lincoln, which shall constitute the *Monroe* division of said district; also the territory embraced on the date last mentioned in the parishes of Acadia, Calcasieu, Cameron, and Vernon, which shall constitute the *Lake Charles* division of said district. Terms of the district court for the *Opelousas* division shall be held at Opelousas on the first Mondays in January and June; for the *Alexandria* division, at Alexandria, on the fourth Mondays in January and June; for the *Shreveport* division, at Shreveport on the third Mondays in February and October; for the *Monroe* division, at Monroe on the first Mondays in April and October; and for the *Lake Charles* division, at Lake Charles on the third Mondays in May and December. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Opelousas, at Alexandria, at Shreveport, at Monroe, and at Lake Charles, which shall be kept open at all times for the transaction of the business of the court.

Mr. JOHNSTON. I suggest that there is an amendment to the latter part of section 81, and if the chairman of the committee desires the amendment to be inserted it ought to be inserted now.

Mr. HEYBURN. What amendment does the Senator suggest?

Mr. JOHNSTON. I say there is an amendment printed in italics to section 81.

The PRESIDING OFFICER. The Chair understands that the Senate is not treating the words printed in italics as amendments to the amendment, but that the words in italics indicate the differences between this proposed law and the existing law.

Mr. HEYBURN. Does the Senator from Alabama refer to the italics at the end of section 81?

Mr. JOHNSTON. Yes, sir.

Mr. HEYBURN. That provision was made at the suggestion of the United States attorney and the courts in Kentucky, for the purpose, I suppose, of harmonizing the provisions with reference to the Owensboro district. I regret that no Senator from Kentucky is now present, but the amendment was made for that purpose. Certain rearrangements had been made that were not harmonious, just as in the case that I suggested before.

Mr. JOHNSTON. I rose to ask the Senator from Idaho whether the amendment has already been adopted or whether it is pending.

Mr. HEYBURN. No; when we reach Kentucky, then I will move the adoption of the amendment to the amendment.

Mr. JOHNSTON. We have reached that, and the Secretary has been reading section 82.

Mr. HEYBURN. I think the Secretary reached it rather unexpectedly, for I was following the reading. I will ask the Secretary to refer to the section regarding Kentucky.

Mr. CUMMINS. I have just come into the Chamber and notice that the section with regard to Iowa has been reached.

Mr. HEYBURN. I have asked that it be passed over.

Mr. CUMMINS. I hope it will not be taken up until I have an opportunity to read it.

Mr. CLARKE of Arkansas. I want to make a similar request with reference to Arkansas. I did not expect the bill to be reached until Thursday, and I had not prepared myself to consider it to-day.

Mr. HEYBURN. Let us see if we can not accommodate this matter without causing delay, because in the section affecting Arkansas every change that is made is noted here.

Mr. CLARKE of Arkansas. Some of those changes I might not want made and I may want to have other changes made. So I request that the matter be passed over until a reasonable time, of course not so as to delay the bill, for that is not my purpose. I am quite anxious to have it passed; but I do want an opportunity to adjust the districts so as to conform to the present wishes of those interested in the matter.

Mr. CUMMINS. My request will cause only a very short delay. In an hour or an hour and a half I will be able to suggest anything that may occur to me in regard to the section affecting Iowa.

Mr. HEYBURN. We have already passed that section over. We are now dealing with an amendment in regard to Kentucky.

Mr. CLARKE of Arkansas. Do I understand that we have also passed over the section relating to Arkansas for the present?

Mr. HEYBURN. I will ask that it be passed over if the Senator so desires.

Mr. CLARKE of Arkansas. With the promise on my part not to delay the measure.

Mr. HEYBURN. I ask that the section relating to Arkansas be passed over.

The PRESIDING OFFICER. In the absence of objection it is so ordered. If the Senator from Idaho will excuse an observation, the Chair understands that all the provisions in italics are to be treated as amendments to the amendment.

Mr. HEYBURN. Yes. They simply embrace new matter in the amendment that was offered. I will dispose of them all right if my attention is called to them when the Secretary reaches them. There will be no difficulty about disposing of them.

The PRESIDING OFFICER. The Chair will state to the Senator that the Secretary has not heretofore been reading them, and they have been passed over without action.

Mr. HEYBURN. I think the Secretary inadvertently overlooked some of the amendments to the amendment. Let us commence right now to dispose of them.

Mr. JOHNSTON. That is the very question, Mr. President, I rose to suggest.

Mr. HEYBURN. The matter was omitted by the Secretary in the reading, and I am compelled to keep watch of several things here that are coming in. I now propose that the Secretary read the amendment to the amendments in the section relating to Kentucky.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. On page 25, line 13, after the word "brought," it is proposed to amend the amendment by inserting "but these provisions are subject to the provision hereinbefore contained constituting the Owensboro division."

Mr. HEYBURN. I move the adoption of the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. HEYBURN. Mr. President, if Senators think we are unnecessarily consuming time by reading the amendment, as we were proceeding to do, and that we might proceed to consider the amendments to the amendment, we will do that; but I am inclined to think, this being a rather unusual procedure, that we had better go right along and adopt the sections or pass them over as we come to them.

Mr. JOHNSTON. Yes.

Mr. HEYBURN. Mr. President, I think, perhaps, I owe it to Senators and to the Chair to explain that this is an amendment to a bill already pending before the Senate. All of chapter 5 of that bill is contained in the proposed amendment. After that amendment was agreed upon, then certain amendments to it were agreed upon. It is only necessary to pass them along as the Chair is doing.

The PRESIDING OFFICER. The Secretary will resume the reading.

The Secretary read the amendments to section 82, which were, on page 25, line 24, after the word "constitute," to insert "the New Orleans;" on page 26, line 3, after the word "constitute," to insert "the Baton Rouge;" in line 4, after the word "for," to insert "the New Orleans;" in line 7, before the word "division," to insert "the Baton Rouge;" in line 10, after the word "constitute," to insert "the Opelousas;" in line 19, after the word "constitute," to insert "the Alexandria;" in line 23, after the word "constitute," to insert "the Shreveport;" on page 27, line 2, after the word "constitute," to insert "the Monroe;" in line 6, before the word "division," to insert "the Lake Charles;" in line 7, after the word "for," to insert "the Opelousas;" in line 9, before the word "division," to insert "the Alexandria;" in line 10, after the word "for," to insert "the Shreveport;" in line 12, after the word "for," to insert "the Monroe;" and in line 13, after the word "for," to insert "the Lake Charles;" so as to make the section read:

SEC. 82. [The State of Louisiana is divided into two judicial districts, to be known as the eastern and western districts of Louisiana. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the parishes of Assumption, Iberia, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Terrebonne, and Washington, which shall constitute the *New Orleans* division; also the territory embraced on the date last mentioned in the parishes of Ascension, East Baton Rouge, East Feliciana, Livingston, Pointe Coupee, St. Helena, West Baton Rouge, Iberville, and West Feliciana, which shall constitute the *Baton Rouge* division of said district. Terms of the district court for the *New Orleans* division shall be held at New Orleans on the third Mondays in February, May, and November; and for the *Baton Rouge* division at Baton Rouge on the second Mondays in April and November. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at New Orleans and at Baton Rouge, which shall be kept open at all times for the transaction of the business of the court. The western district shall include the territory embraced on the 1st day of July, 1910, in the parishes of St. Landry, Evangeline, St. Martin, Lafayette, and Vermilion, which shall constitute the *Opelousas* division of said district; also the territory embraced on the date last mentioned in the parishes of Rapides, Avoyelles, Catahoula, La Salle, Grant, and Winn, which shall constitute the *Alexandria* division of said district; also the territory embraced on the said date last mentioned in the parishes of Caddo, De Soto, Bossier, Webster, Calhoun, Bienville, Natchitoches, Sabine, and Red River, which shall constitute the *Shreveport* division of said district; also the territory embraced on the date last mentioned in the parishes of Ouachita, Franklin, Richland, Morehouse, East Carroll, West Carroll, Madison, Tensas, Concordia, Union, Caldwell, Jackson, and Lincoln, which shall constitute the *Monroe* division of said district; also the territory embraced on the date last mentioned in the parishes of Acadia, Calcasieu, Cameron, and Vernon, which shall constitute the *Lake Charles* division of said district. Terms of the district court for the *Opelousas* division shall be held at Opelousas on the first Mondays in January and June; for the *Alexandria* division, at Alexandria on the fourth Mondays in January and June; for the *Shreveport* division, at Shreveport on the third Mondays in February and October; for the *Monroe* division, at Monroe on the first Mondays in April and October; and for the *Lake Charles* division, at Lake Charles on the third Mondays in May and December. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Opelousas, at Alexandria, at Shreveport, at Monroe, and at Lake Charles, which shall be kept open at all times for the transaction of the business of the court.

The amendments to the amendment were agreed to.

The Secretary resumed and continued the reading of the amendment, as follows:

SEC. 83. [The State of Maine shall constitute one judicial district, to be known as the district of Maine. Terms of the district court shall be held at Portland on the first Tuesdays in February and December; at Bangor on the first Tuesday in June; and at Bath on the first Tuesday in September.]

SEC. 84. [The State of Maryland shall constitute one judicial district, to be known as the district of Maryland. Terms of the district court shall be held at Baltimore on the first Tuesdays in March, June, September, and December; and at Cumberland on the second Monday in May and the last Monday in September. The clerk of the court shall appoint a deputy, who shall reside and maintain an office at Cumberland, unless the clerk himself shall reside there; and the marshal shall also appoint a deputy, who shall reside and maintain an office at Cumberland, unless he shall himself reside there.]

SEC. 85. [The State of Massachusetts shall constitute one judicial district, to be known as the district of Massachusetts. Terms of the district court shall be held at Boston on the third Tuesday in March, the fourth Tuesday in June, the second Tuesday in September, and the first Tuesday in December; and at Springfield on the second Tuesdays in May and December: *Provided*, That suitable rooms and accommodations for holding court at Springfield shall be furnished free of expense to the Government until such time as a Federal building shall be erected there for that purpose. The marshal and the clerk for said district shall each appoint at least one deputy, to reside in Springfield and to maintain an office at that place.]

SEC. 86. [The State of Michigan is divided into two judicial districts, to be known as the eastern and western districts of Michigan. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alcona, Alpena, Arenac, Bay, Cheboygan, Clare, Crawford, Gladwin, Gratiot, Huron, Iosco, Isabella, Midland, Montmorency, Ogemaw, Oscoda, Otsego, Presque Isle, Roscommon, Saginaw, and Tuscola, which shall constitute the northern division; also the territory embraced on the date last mentioned in the counties of Branch, Calhoun, Clinton, Genesee, Hillsdale, Ingham, Jackson, Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, St. Clair, Sanilac, Shiawassee, Washtenaw, and Wayne, which shall constitute the southern division of said district. Terms of the district court for the

southern division shall be held at Detroit on the first Tuesdays in March, June, and November; for the northern division at Bay City on the first Tuesdays in May and October, and at Port Huron on the discretion of the judge of said court and at such times as he shall appoint therefor. There shall also be held a special or adjourned term of the district court at Bay City for the hearing of admiralty causes, beginning in the month of February in each year. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alger, Baraga, Chippewa, Delta, Dickinson, Gogebie, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft, which shall constitute the northern division; also the territory embraced on the said date last mentioned in the counties of Allegan, Antrim, Barry, Benzie, Berrien, Cass, Charlevoix, Eaton, Emmet, Grand Traverse, Ionia, Kalamazoo, Kalkaska, Kent, Lake, Leelanau, Manistee, Mason, Mecosta, Missaukee, Montcalm, Muskegon, Newaygo, Oceana, Oshtemo, Ottawa, St. Joseph, Van Buren, and Wexford, which shall constitute the southern division of said district. Terms of the district court for the southern division shall be held at Grand Rapids on the first Tuesdays in March and October; and for the northern division at Marquette on the first Tuesdays in May and September. All issues of fact shall be tried at the terms held in the division where such suit shall be commenced. Actions in rem and admiralty may be brought in whichever division of the eastern district service can be had upon the res. Nothing herein contained shall prevent the district court of the western division from regulating, by general rule, the venue of transitory actions either at law or in equity, or from changing the same for cause. The clerk of the court for the western district shall reside and keep his office at Grand Rapids, and shall also appoint a deputy clerk for said court held at Marquette, who shall reside and keep his office at that place. The marshal for said western district shall keep an office and a deputy marshal at Marquette. The clerk of the court for the eastern district shall keep his office at the city of Detroit, and shall appoint a deputy for the court held at Bay City, who shall reside and keep his office at that place. The marshal for said district shall keep an office and a deputy marshal at Bay City, and mileage on service of process in said northern division shall be computed from Bay City.]

SEC. 87. [The State of Minnesota shall constitute one judicial district, to be known as the district of Minnesota. It is divided into six divisions, to be known as the first, second, third, fourth, fifth, and sixth divisions. The first division shall include the territory embraced on the 1st day of July, 1910, in the counties of Winona, Wabasha, Olmsted, Dodge, Steele, Mower, Fillmore, and Houston. The second division shall include the territory embraced on the date last mentioned in the counties of Freeborn, Faribault, Martin, Jackson, Nobles, Rock, Pipestone, Murray, Cottonwood, Watonwan, Blue Earth, Waseca, Le Sueur, Nicollet, Brown, Redwood, Lyon, Lincoln, Yellow Medicine, Sibley, and Lac qui Parle. The third division shall include the territory embraced on the date last mentioned in the counties of Chisago, Washington, Ramsey, Dakota, Goodhue, Rice, and Scott. The fourth division shall include the territory embraced on the date last mentioned in the counties of Hennepin, Wright, Meeker, Kandiyohi, Swift, Chippewa, Renville, McLeod, Carver, Anoka, Sherburne, and Isanti. The fifth division shall include the territory embraced on the date last mentioned in the counties of Cook, Lake, St. Louis, Itasca, Koochiching, Cass, Crow Wing, Aitkin, Carlton, Pine, Kanabec, Mille Lacs, Morrison, and Benton. The sixth division shall include the territory embraced on the date last mentioned in the counties of Stearns, Pope, Stevens, Bigstone, Traverse, Grant, Douglas, Todd, Ottertail, Roseau, Wilkin, Clay, Becker, Wadena, Norman, Polk, Red Lake, Marshall, Kittson, Beltrami, Clearwater, Mahanomen, and Hubbard. Terms of the district court for the first division shall be held at Winona on the third Tuesdays in May and November; for the second division, at Mankato on the fourth Tuesdays in April and October; for the third division, at St. Paul on the first Tuesdays in June and December; for the fourth division, at Minneapolis on the first Tuesdays in April and October; for the fifth division, at Duluth on the second Tuesdays in January and July; and for the sixth division, at Fergus Falls on the first Tuesday in May and second Tuesday in November. The clerk of the court shall appoint a deputy clerk at each place where the court is now required to be held at which the clerk shall not himself reside, who shall keep his office and reside at the place appointed for the holding of said court.]

SEC. 88. [The State of Mississippi is divided into two judicial districts, to be known as the northern and southern districts of Mississippi. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alcorn, Attala, Chickasaw, Choctaw, Clay, Itawamba, Lee, Lowndes, Monroe, Oktibbeha, Pontotoc, Prentiss, Tishomingo, and Winston, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Coahoma, Calhoun, Carroll, De Soto, Grenada, Lafayette, Marshall, Montgomery, Panola, Quitman, Tallahatchie, Tate, Tippah, Tunica, Union, Webster, and Yalobusha, which shall constitute the western division of said district. Terms of the district court for the eastern division shall be held at Aberdeen on the first Mondays in April and October; and for the western division at Oxford on the first Mondays in June and December. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adams, Amite, Copiah, Covington, Franklin, Hinds, Holmes, Jefferson, Jefferson Davis, Lawrence, Lincoln, Leflore, Madison, Pike, Rankin, Simpson, Smith, Scott, Wilkinson, and Yazoo, which shall constitute the Jackson division; also the territory embraced on the date last mentioned in the counties of Bolivar, Calhoun, Issaquena, Sharkey, Sunflower, Warren, and Washington, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Clarke, Jones, Jasper, Kemper, Lauderdale, Lenke, Neshoba, Newton, Noxubee, and Wayne, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Forrest, Greene, Hancock, Harrison, Jackson, Lamar, Marion, Perry, and Pearl River, which constitutes the southern division of said district. Terms of the district court for the Jackson division shall be held at Jackson on the — Mondays in — and —; for the western division, at Vicksburg on the first Mondays in January and July; for the eastern division at Meridian on the second Mondays in March and September; and for the southern division, at Biloxi on the third Mondays in February and August. The clerk of the court for each district shall maintain an office in charge of himself or a deputy at each place in his district at which court is now required to be held at which he shall not himself reside, which shall be kept open at all times for the transaction of the business of the court. The marshal for each of said districts shall maintain an office in charge of himself or a deputy at each place of holding court in his district.]



The next amendment to the amendment was, in section 88, page 34, line 6, before the word "Monday," to insert the word "first;" after the word "in," to insert the word "May;" and after the word "and," to insert "November," so as to read:

Terms of the district court for the Jackson division shall be held at Jackson on the first Mondays in May and November.

The amendment to the amendment was agreed to.

The reading of the amendment was resumed, as follows:

Sec. 89. [The State of Missouri is divided into two judicial districts, to be known as the eastern and western districts of Missouri. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the city of St. Louis and the counties of Audrain, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Montgomery, Phelps, St. Charles, St. Francois, Ste. Genevieve, St. Louis, Warren, and Washington, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Adair, Chariton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Pike, Ralls, Randolph, Schuyler, Scotland, and Shelby, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, Shannon, Stoddard, and Wayne, which shall constitute the southeastern division of said district. Terms of the district court for the eastern division shall be held at St. Louis on the first Mondays in May and November, and at Rolla on the fourth Monday in January: *Provided*, That suitable rooms and accommodations for holding court at Rolla are furnished free of expense to the United States; for the northern division, at Hannibal on the fourth Monday in May and the first Monday in December; and for the southeastern division, at Cape Girardeau on the second Mondays in April and October. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bates, Caldwell, Carroll, Cass, Clay, Grundy, Henry, Jackson, Johnson, Lafayette, Livingston, Mercer, Putnam, Ray, St. Clair, Saline, and Sullivan, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Barton, Barry, Jasper, Lawrence, McDonald, Newton, Stone, and Vernon, which shall constitute the southwestern division; also the territory embraced on the date last mentioned in the counties of Andrew, Atchison, Buchanan, Clinton, Daviess, Dekalb, Gentry, Holt, Harrison, Nodaway, Platte, and Worth, which shall constitute the St. Joseph division; also the territory embraced on the date last mentioned in the counties of Benton, Boone, Callaway, Cooper, Camden, Cole, Hickory, Howard, Maries, Miller, Moniteau, Morgan, Osage, and Pettis, which shall constitute the central division; also the territory embraced on the date last mentioned in the counties of Christian, Cedar, Dade, Dallas, Douglas, Greene, Howell, Laclede, Oregon, Ozark, Polk, Pulaski, Taney, Texas, Webster, and Wright, which shall constitute the southern division. Terms of the district court for the western division shall be held at Kansas City on the fourth Monday in April and first Monday in November, and at Chillicothe on the fourth Monday in May and the first Monday in December: *Provided*, That suitable rooms and accommodations for holding court at Chillicothe are furnished free of expense to the United States; for the southwestern division, at Joplin on the second Mondays in June and January; for the St. Joseph division, at St. Joseph on the first Monday in March and third Monday in September; for the central division, at Jefferson City on the third Mondays in March and October; and for the southern division, at Springfield on the first Mondays in April and October.

The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Kansas City, at Jefferson City, at St. Joseph, and at Springfield, which shall be kept open at all times for the transaction of the business of the court. The marshal for each district shall also maintain an office in charge of himself or a deputy at each place at which court is now held in his district.]

Mr. STONE. I should like to ask the Senator from Idaho if any changes have been made in the territory covered by this section, either as to the time of holding court or in any other way. I do not see any amendments.

Mr. HEYBURN. There are no changes made in existing conditions in the State of Missouri. The law, as stated here, is as it is in the statutes.

Mr. STONE. I took that to be true from examining the text.

Mr. HEYBURN. I suggest, Mr. President, that we might save time, if there are no objections to so proceeding, by reading for the amendments at this time. We are reading a great deal of matter here about which there is no controversy whatever—the enumeration of counties. While this need not go into the record, it seems to me we might take that into consideration, unless there is objection upon the part of some Senator. There are no amendments at all in that section.

Mr. STONE. I can not see any reason for reading all of this measure line by line. Take the section referring to Missouri now before the Senate, where there appears on the face of the bill no amendment to the existing law. The Senator from Idaho says there is not.

Mr. HEYBURN. I see no occasion for reading that.

Mr. STONE. I see no occasion for reading it. I have run over that section, and while of course I can not tell without comparing it with the existing law whether it is exactly the same, I have no doubt it is. I am perfectly satisfied to take the bill as it appears, supplemented by the statement of the chairman.

Mr. HEYBURN. Every section has been submitted to the United States attorney for suggestion and verification. In addition to that we have gone over two checks on the law, fully posted up, so that I think there is probably not an error in it.

The PRESIDING OFFICER. If there is no objection, the Secretary then will simply mention the section and that which

it relates to, and in the sections where there is an amendment he will call attention to the amendment, and the Senate will pass upon the amendments only.

The amendment continues as follows:

Sec. 90. [The State of Montana shall constitute one judicial district, to be known as the district of Montana. Terms of the district court shall be held at Helena on the first Mondays in April and November; at Butte on the first Tuesdays in February and September; and at Great Falls on the first Mondays in May and October. Causes, civil and criminal, may be transferred by the court or judge thereof from Helena to Butte or from Butte to Helena, or from Helena or Butte to Great Falls, or from Great Falls to Helena or Butte, in said district, when the convenience of the parties or the ends of justice would be promoted by the transfer; and any interlocutory order may be made by the court or judge thereof in either place.]

Mr. DIXON. After a conference with my colleague, I offer an amendment to section 90.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In section 90, page 37, line 16, after the word "September," strike out "and;" in line 17, after the word "October," insert "at Missoula on the first Mondays in January and June; and at Billings on the first Mondays in March and August."

Mr. DIXON. I desire to say, especially for the benefit of the chairman of the committee, that there has been pending for some months a bill covering this very feature, and also calling for an additional district judge. I have not included an additional district judge in this amendment. There has been a favorable report from the Attorney General's office as to one of these cases and noncommittal as to the other.

As the situation now stands, we have about 400,000 population under the new census, and there are only three terms of the Federal court; and, unfortunately, all three of them are located right in the center of the State, within 75 miles of each other. One of the proposed places for holding an additional term is Billings, in the eastern part of the State, in a section where litigants have to travel 500 miles to go to a Federal court. The other is Missoula, on the western side of the State, distant 125 miles from the nearest point to a Federal court. Litigants in that part of Montana have to travel, as the railroad runs, 400 miles. A large part of the litigation arises from the Indian reservations. Missoula and Billings are the central points for that kind of litigation.

For these reasons I have prepared the amendment establishing terms at Billings and Missoula.

Mr. HEYBURN. As far as concerns fixing the places at which court shall be held, there is no objection to the amendment. You did not intend to include the amendment in regard to the extra judge?

Mr. DIXON. No.

Mr. HEYBURN. No; because we are not dealing with that.

Mr. DIXON. No; not at all.

Mr. SUTHERLAND. I should like to ask the Senator from Montana whether it is necessary to have regular terms of the court at those places.

Mr. DIXON. I think so. I believe more business or as much business will develop in both of those places—

Mr. SUTHERLAND. I was going to suggest to the Senator that there is a general statute which permits a judge to hold court at other places in the State whenever he thinks it proper to do so.

Mr. DIXON. Yes; I know of that provision, but in these two cases one point is on the extreme eastern end of the State and the other on the extreme western, and many of the litigants travel from 200 to 500 miles to attend the Federal court.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana to the amendment.

The amendment to the amendment was agreed to.

The amendment continues:

Sec. 91. [The State of Nebraska shall constitute one judicial district to be known as the district of Nebraska. Said district is divided into eight divisions. The territory embraced on the 1st day of July, 1910, in the counties of Douglas, Sarpy, Washington, Dodge, Colfax, Platte, Nance, Boone, Wheeler, Burt, Thurston, Dakota, Cuming, Cedar, and Dixon, shall constitute the Omaha division; the territory embraced on the date last mentioned in the counties of Madison, Antelope, Knox, Pierce, Stanton, Wayne, Holt, Boyd, Rock, Brown, and Keya Paha, shall constitute the Norfolk division; the territory embraced on the date last mentioned in the counties of Cherry, Sheridan, Dawes, Box Butte, and Sioux, shall constitute the Chadron division; the territory embraced on the date last mentioned in the counties of Hall, Merrick, Howard, Greeley, Garfield, Valley, Sherman, Buffalo, Custer, Loup, Blaine, Thomas, Hooker, and Grant, shall constitute the Grand Island division; the territory embraced on the date last mentioned in the counties of Lincoln, Dawson, Logan, McPherson, Keith, Deuel, Garden, Morrill, Cheyenne, Kimball, Banner, and Scotts Bluff, shall constitute the North Platte division; the territory embraced on the date last mentioned in the counties of Cass, Otoe, Johnson, Nemaha, Pawnee, Richardson, Gage, Lancaster, Saunders, Butler, Seward, Saline, Jefferson, Thayer, Fillmore, York, Polk, and Hamilton, shall constitute the

Lincoln division; the territory embraced on the date last mentioned in the counties of Clay, Nuckolls, Webster, Adams, Kearney, Franklin, Harlan, and Phelps, shall constitute the Hastings division; and the territory embraced on the date last mentioned in the counties of Gosper, Furnas, Red Willow, Frontier, Hayes, Hitchcock, Dundee, Chase, and Perkins, shall constitute the McCook division. Terms of the district court for the Omaha division shall be held at Omaha on the first Monday in April and the fourth Monday in September; for the Norfolk division, at Norfolk on the third Monday in September; for the Chadron division, at Chadron on the second Monday in September; for the Grand Island division, at Grand Island on the second Monday in January; for the North Platte division, at North Platte on the second Monday in June; for the Lincoln division, at Lincoln on the second Monday in May and the first Monday in October; for the Hastings division, at Hastings on the second Monday in March; and for the McCook division, at McCook on the first Monday in March; *Provided*, That where provision is made herein for holding court at places where there are no Federal buildings, a suitable room in which to hold court, together with light and heat, shall be provided by the city or county where such court is held, without any expense to the United States. The clerk of the court shall appoint a deputy for each division of the district in which he does not himself reside, who shall keep his office and reside at the place of holding court in the division for which he is appointed.]

Sec. 92. [The State of Nevada shall constitute one judicial district, to be known as the district of Nevada. Terms of the district court shall be held at Carson City on the first Mondays in February, May, and October.]

Sec. 93. [The State of New Hampshire shall constitute one judicial district, to be known as the district of New Hampshire. Terms of the district court shall be held at Portsmouth on the third Tuesdays in March and September; at Concord on the third Tuesdays in June and December; and at Littleton on the last Tuesday in August.]

Sec. 94. [The State of New Jersey shall constitute one judicial district, to be known as the district of New Jersey. Terms of the district court shall be held at Trenton on the third Tuesdays in January, April, June, and September. At each term of the district court it shall be lawful for the judge holding such term, on consent of both parties, on application therefor and good cause shown by either party to any civil cause set for trial or hearing at said term, to order such cause to be held or tried at the city of Newark, in said district, upon the day set for that purpose by said judge; *Provided*, That such application shall be made to said judge, either in vacation or term time, at least one week before the date set for trial of said cause, and on at least five days' notice to the opposite party or his or her attorney; and writs of subpoena to compel the attendance of witnesses at said city of Newark may issue, and jurors summoned to attend said term may be ordered by said judge to be in attendance upon said court in the city of Newark.]

Sec. 95. [The State of New York is divided into four judicial districts, to be known as the northern, eastern, southern, and western districts of New York. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Albany, Broome, Cayuga, Chenango, Clinton, Cortland, Delaware, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Onondaga, Oswego, Otsego, Rensselaer, St. Lawrence, Saratoga, Schoenectady, Schenectady, Tioga, Tompkins, Warren, and Washington, with the waters thereof. Terms of the district court for said district shall be held at Albany on the second Tuesday in February; at Utica on the first Tuesday in December; at Binghamton on the second Tuesday in June; at Auburn on the first Tuesday in October; at Syracuse on the first Tuesday in April; and, in the discretion of the judge of the court, one term annually at such time and place within the counties of Saratoga, Onondaga, St. Lawrence, Clinton, Jefferson, Oswego, and Franklin as he may from time to time appoint. Such appointment shall be made by notice of at least 20 days published in a newspaper published at the place where said court is to be held. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Richmond, Kings, Queens, Nassau, and Suffolk, with the waters thereof. Terms of the district court for said district shall be held at Brooklyn on the first Wednesday in every month. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Columbia, Dutchess, Greene, New York, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester, with the waters thereof. Terms of the district court for said district shall be held at New York City on the first Tuesday in each month. The district courts of the southern and eastern districts shall have concurrent jurisdiction over the waters within the counties of New York, Kings, Queens, Nassau, Richmond, and Suffolk, and over all seizures made and all matters done in such waters; all processes or orders issued within either of said courts or by any judge thereof shall run and be executed in any part of said waters. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Allegany, Cattaraugus, Chautauque, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, Wyoming, and Yates, with the waters thereof. Terms of the district court for said district shall be held at Elmira on the second Tuesday in January; at Buffalo on the second Tuesdays in March and November; at Rochester on the second Tuesday in May; at Jamestown on the second Tuesday in July; at Lockport on the second Tuesday in October; and at Canandaigua on the second Tuesday in September. The regular sessions of the district court for the western district for the hearing of motions and for proceedings in bankruptcy and the trial of causes in admiralty, shall be held at Buffalo at least two weeks in each month of the year, except August, unless the business is sooner disposed of. The times for holding the same and such other special sessions as the court shall deem necessary shall be fixed by rules of the court. All process in admiralty causes and proceedings shall be made returnable at Buffalo. *The judge of any district in the State of New York may perform the duties of the judge of any other district in such State upon the request of the resident judge entered in the minutes of his court; and in such cases said judges, respectively, shall have the same powers as are vested in the resident judge.*

The next amendment to the amendment was, in section 95, page 42, line 16, after "Nassau," to insert "Richmond," so as to read:

Terms of the district court for said district shall be held at New York City on the first Tuesday in each month. The district courts of the southern and eastern districts shall have concurrent jurisdiction over the waters within the counties of New York, Kings, Queens, Nassau, Richmond, and Suffolk.

The amendment to the amendment was agreed to.

The next amendment to the amendment was, in section 95, page 43, line 15, after the word "Buffalo," to insert:

*The judge of any district in the State of New York may perform the duties of the judge of any other district in such State upon the request of the resident judge entered in the minutes of his court; and in such cases said judges, respectively, shall have the same powers as are vested in the resident judge.*

The amendment to the amendment was agreed to.

The amendment continues:

Sec. 96. [The State of North Carolina is divided into two districts, to be known as the eastern and western districts of North Carolina. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Beaufort, Bertie, Bladen, Brunswick, Camden, Chatham, Cumberland, Currituck, Craven, Columbus, Chowan, Carteret, Dare, Duplin, Durham, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Harnett, Hertford, Hyde, Johnston, Jones, Lenoir, Lee, Martin, Moore, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Robeson, Richmond, Sampson, Scotland, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson. Terms of the district court for the eastern district shall be held at Elizabeth City on the second Mondays in April and October; at Washington on the third Mondays in April and October; at Newbern on the fourth Mondays in April and October; at Wilmington on the second Monday after the fourth Mondays in April and October; and at Raleigh on the fourth Monday after the fourth Mondays in April and October; *Provided*, That the city of Washington shall provide and furnish at its own expense a suitable and convenient place for holding the district court at Washington. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Raleigh, at Wilmington, at Newbern, at Elizabeth City, and at Washington, which shall be kept open at all times for the transaction of the business of the court. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alamance, Alexander, Ashe, Alleghany, Anson, Buncombe, Burke, Caswell, Cabarrus, Catawba, Cleveland, Caldwell, Clay, Cherokee, Davidson, Davie, Forsyth, Guilford, Gaston, Graham, Henderson, Haywood, Iredell, Jackson, Lincoln, Montgomery, Mecklenburg, Mitchell, McDowell, Madison, Macon, Orange, Polk, Randolph, Rockingham, Rowan, Rutherford, Stanly, Stokes, Surry, Swain, Transylvania, Union, Wilkes, Watauga, Yadkin, and Yancey. Terms of the district court for the western district shall be held at Greensboro on the first Mondays in June and December; at Statesville on the third Mondays in April and October; at Salisbury on the fourth Mondays in April and October; at Asheville on the first Mondays in May and November; at Charlotte on the first Mondays in April and October; and at Wilkesboro on the fourth Mondays in May and November. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Greensboro, at Asheville, at Statesville, and at Wilkesboro, which shall be kept open at all times for the transaction of the business of the court.]

Sec. 97. [The State of North Dakota shall constitute one judicial district, to be known as the district of North Dakota. The territory embraced on the 1st day of July, 1910, in the counties of Burleigh, Stutsman, Logan, McIntosh, Emmons, Kidder, Foster, Wells, McLean, and Sheridan, and all the territory in said State lying west of the Missouri River and south of the twelfth standard parallel shall constitute the southwestern division of said district; and the territory embraced on the date last mentioned in the counties of Cass, Richland, Barnes, Dickey, Sargent, Lamoure, Ransom, Griggs, and Steele shall constitute the southeastern division; and the territory embraced on the date last mentioned in the counties of Grand Forks, Traill, Walsh, Pembina, Cavalier, and Nelson shall constitute the northeastern division; and the territory embraced on the date last mentioned in the counties of Ramsey, Eddy, Benson, Towner, Rolette, Bottineau, Pierce, and McHenry shall constitute the northwestern division; and the territory embraced on the date last mentioned in the counties of Ward, Williams, and Montrose, and all the territory in said State lying west of the Missouri River and north of the twelfth standard parallel shall constitute the western division. The several Indian reservations and parts thereof within said State shall constitute a part of the several divisions within which they are respectively situated. Terms of the district court for the southwestern division shall be held at Bismarck on the first Tuesday in March; for the southeastern division, at Fargo on the third Tuesday in May; for the northeastern division, at Grand Forks on the second Tuesday in November; for the northwestern division, at Devils Lake on the first Tuesday in July; and for the western division, at Minot on the second Tuesday in October. The clerk of the court shall maintain an office in charge of himself or a deputy at each place at which court is now held in his district.]

Sec. 98. [The State of Ohio is divided into two judicial districts, to be known as the northern and southern districts of Ohio. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Ashland, Ashtabula, Cuyahoga, Carroll, Columbiana, Crawford, Geauga, Holmes, Lake, Lorain, Medina, Mahoning, Portage, Richland, Summit, Stark, Tuscarawas, Trumbull, and Wayne, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Auglaize, Allen, Defiance, Erie, Fulton, Henry, Hancock, Hardin, Huron, Lucas, Mercer, Marion, Ottawa, Paulding, Putnam, Seneca, Sandusky, Van Wert, Williams, Wood, and Wyandotte, which shall constitute the western division of said district. Terms of the district court for the eastern division shall be held at Cleveland on the first Tuesdays in February, April, and October; and at Youngstown on the first Tuesday after the first Monday in March; and for the western division at Toledo on the last Tuesdays in April and October. Grand and petit jurors summoned for service at a term of court to be held at Cleveland may, if in the opinion of the court the public convenience so requires, be directed to serve also at the term then being held or authorized to be held at Youngstown. Crimes and offenses committed in the eastern division shall be cognizable at the terms held at Cleveland, or at Youngstown, as the court may direct. Any suit brought in the eastern division may, in the discretion of the court, be tried at the term held at Youngstown. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Lawrence, Miami, Montgomery, Preble, Scioto, Shelby, and Warren, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Athens, Belmont, Coshocton, Delaware, Fairfield, Fayette, Franklin, Gallia, Guernsey, Harrison, Hocking, Jackson, Jefferson, Knox, Licking, Logan, Madison, Meigs,



Monroe, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Union, Vinton, and Washington, which shall constitute the eastern division of said district. Terms of the district court for the western division shall be held at Cincinnati on the first Tuesdays in February, April, and October; and for the eastern division at Columbus on the first Tuesdays in June and December; *Provided*, That terms of the district court for the southern district shall be held at Dayton on the first Mondays in May and November. Prosecutions for crimes and offenses committed in any part of said district shall also be cognizable at the terms held at Dayton. All suits which may be brought within the southern district, or either division thereof, may be instituted, tried, and determined at the terms held at Dayton.]

The next amendment to the amendment was, in section 98, page 47, line 23, before the word "Tuesdays," to insert "last;" after the word "in," in the same line, to insert "April;" and after the word "and" to insert "October," so as to read:

and for the western division at Toledo on the last Tuesdays in April and October.

Mr. HEYBURN. Section 98 is in regard to the State of Ohio. The times for holding terms of court at Toledo, in the western division of the northern district of Ohio, are proposed to be changed from the first Tuesdays in June and December to the last Tuesdays in April and October. This is proposed upon the urgent recommendation of the district judge and district attorney, who state that as at present fixed the December term is badly broken up by the holidays and the June term by hot weather. It is an amendment that is entirely agreeable to all those directly interested.

The amendment to the amendment was agreed to.

The amendment continues:

SEC. 99. [The State of Oklahoma is divided into two judicial districts, to be known as the eastern and the western districts of Oklahoma. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adair, Atoka, Bryan, Craig, Cherokee, Creek, Choctaw, Coal, Carter, Delaware, Garvin, Grady, Haskell, Hughes, Johnston, Jefferson, Latimer, LeFlore, Love, McClain, Mayes, Muskogee, McIntosh, McCurtain, Murray, Marshall, Nowata, Ottawa, Okmulgee, Osage, Pittsburg, Pushmataha, Pontotoc, Rogers, Stephens, Sequoyah, Seminole, Tulsa, Washington, and Wagoner. Terms of the district court for the eastern district shall be held at Muskogee on the first Monday in January; at Vinita on the first Monday in March; at Tulsa on the first Monday in April; at South McAlester on the first Monday in June; at Ardmore on the first Monday in October; and at Chickasha on the first Monday in November in each year. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Custer, Dewey, Ellis, Garfield, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, Majors, Noble, Oklahoma, Osage, Pawnee, Payne, Pottawatomie, Roger Mills, Texas, Tillman, Washita, Woods, and Woodward. Terms of the district court for the western district shall be held at Guthrie on the first Monday in January; at Oklahoma City on the first Monday in March; at Enid on the first Monday in June; at Lawton on the first Monday in October; and at Woodward on the first Monday in May and the second Monday in November; *Provided*, That suitable rooms and accommodations for holding court at Woodward are furnished free of expense to the United States. The clerk of the court for the eastern district shall keep his office at Muskogee, and the clerk for the western district at Guthrie.]

SEC. 100. [The State of Oregon shall constitute one judicial district, to be known as the district of Oregon. Terms of the district court shall be held at Portland on the first Mondays in March, July, and November; at Pendleton on the first Tuesday in April; and at Medford on the first Tuesday in October. The marshal and the clerk for said district shall each appoint, in the manner provided by law, at least one deputy at Pendleton and one at Medford, who shall reside and maintain an office at each of said places.]

The next amendment to the amendment was, in section 100, page 50, line 22, after the word "appoint," to insert "in the manner provided by law," so as to read:

The marshal and the clerk for said district shall each appoint, in the manner provided by law, at least one deputy at Pendleton and one at Medford, who shall reside and maintain an office at each of said places.]

The amendment to the amendment was agreed to.

The amendment continues:

SEC. 101. [The State of Pennsylvania is divided into three judicial districts, to be known as the eastern, middle, and western districts of Pennsylvania. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, and Schuylkill. Terms of the district court shall be held at Philadelphia on the second Mondays in March and June, the third Monday in September, and the second Monday in December, each term to continue until the succeeding term begins. The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adams, Bradford, Cameron, Carbon, Center, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lebanon, Luzerne, Lycoming, Mifflin, Monroe, Montour, Northumberland, Perry, Pike, Potter, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York. Terms of the district court shall be held at Scranton on the fourth Monday in February and the third Monday in October; at Harrisburg on the first Mondays in May and December; and at Williamsport on the second Mondays in January and June. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland. Terms of the district court shall be held at Pittsburgh on the first Monday in May and the third Monday in October; and at Erie on the third Monday in July and the second Monday in January.]

SEC. 102. [The State of Rhode Island shall constitute one judicial district, to be known as the district of Rhode Island. Terms of the district court shall be held at Providence on the first Tuesdays in February and August; and at Newport on the second Tuesday in May and the third Tuesday in October.]

SEC. 103. [The State of South Carolina is divided into two districts, to be known as the eastern and western districts of South Carolina. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Abbeville, Anderson, Cherokee, Chester, Edgefield, Fairfield, Greenville, Greenwood, Lancaster, Laurens, Newberry, Oconee, Pickens, Saluda, Spartanburg, Union, and York. Terms of the district court for the western district shall be held at Greenville on the third Tuesdays in April and October. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Aiken, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Chesterfield, Clarendon, Colleton, Darlington, Dorchester, Florence, Georgetown, Hampton, Horry, Kershaw, Lee, Lexington, Marion, Marlboro, Orangeburg, Richland, Sumter, and Williamsburg. Terms of the district court for the eastern district shall be held at Charleston on the first Tuesdays in June and December; at Columbia on the third Tuesday in January and the first Tuesday in November, the latter term to be solely for the trial of civil cases; and at Florence on the first Tuesday in March. The offices of the clerk of the district court shall be at Greenville and at Charleston; and the clerk shall reside in one of said cities and have a deputy in the other.]

SEC. 104. [The State of South Dakota shall constitute one judicial district, to be known as the district of South Dakota. The territory embraced on the 1st day of July, 1910, in the counties of Aurora, Beadle, Bon Homme, Brookings, Brule, Charles Mix, Clay, Davison, Douglas, Gregory, Hanson, Hutchinson, Kingsbury, Lake, Lincoln, Lyman, McCook, Miner, Minnehaha, Moody, Sanborn, Turner, Union, and Yankton, and in the Crow Creek, Lower Brule, and Yankton Indian Reservations, shall constitute the southern division of said district; the territory embraced on the date last mentioned in the counties of Armstrong, Brown, Campbell, Clark, Codington, Corson, Day, Deuel, Dewey, Edmunds, Grant, Hamlin, McPherson, Marshall, Roberts, Sminsha, Spink, and Walworth, and in the Sisseton and Wapeton Indian Reservations, shall constitute the northern division; the territory embraced on the date last mentioned in the counties of Buffalo, Faulk, Hand, Hughes, Hyde, Jerauld, Potter, Stanley, and Sully, and in the Cheyenne River Indian Reservation, and that portion of the Standing Rock Indian Reservation lying within South Dakota, shall constitute the central division; and the territory embraced on the date last mentioned in the counties of Bennett, Butte, Custer, Fall River, Harding, Lawrence, Meade, Mellette, Pennington, Perkins, Shannon, Todd, Tripp, Washabau, and Washington, and in the Rosebud and Pine Ridge Indian Reservations, shall constitute the western division. Terms of the district court for the southern division shall be held at Sioux Falls on the first Tuesday in April and the third Tuesday in October; for the northern division, at Aberdeen on the first Tuesday in May and the second Tuesday in November; for the central division, at Pierre on the second Tuesday in June and the first Tuesday in October; and for the western division, at Deadwood on the third Tuesday in May and the first Tuesday in September. The clerk of the district court shall reside and have his principal office at Sioux Falls; and may appoint, as provided in section 4, deputies to reside and have their offices at Pierre, Deadwood, and Aberdeen.]

The next amendment to the amendment was, in section 104, page 54, line 23, after the word "appoint," to insert "as provided in section 4," so as to read:

The clerk of the district court shall reside and have his principal office at Sioux Falls; and may appoint, as provided in section 4, deputies to reside and have their offices at Pierre, Deadwood, and Aberdeen.]

The amendment to the amendment was agreed to.

The amendment continues:

SEC. 105. [The State of Tennessee is divided into three districts, to be known as the eastern, middle, and western districts of Tennessee. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Blount, Bradley, Hamilton, James, McMinn, Marion, Meigs, Polk, Rhea, and Sequatchee, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Rhea, Sevier, Scott, and Union, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington, which shall constitute the northeastern division of said district. Terms of the district court for the southern division of said district shall be held at Chattanooga on the fourth Mondays in May and November; for the northern division, at Knoxville on the first Mondays in January and July; and for the northeastern division, at Greeneville on the last Mondays in March and September. The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bedford, Cannon, Cheatham, Coffee, Davidson, Dickson, Franklin, Giles, Grundy, Hickman, Humphreys, Houston, Lawrence, Lewis, Lincoln, Marshall, Maury, Montgomery, Moore, Robertson, Rutherford, Stewart, Sumner, Trousdale, Warren, Wayne, Williamson, and Wilson, which shall constitute the Nashville division of said district; also the territory embraced on the date last mentioned in the counties of Clay, Cumberland, Dekalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Van Buren, and White, which shall constitute the northeastern division of said district. Terms of the district court for the Nashville division of said district shall be held at Nashville on the second Mondays in April and October; and for the northeastern division, at Cookeville on the second Mondays in May and November; *Provided*, That suitable accommodations for holding court at Cookeville shall be provided by the county or municipal authorities without expense to the United States. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Dyer, Fayette, Haywood, Lauderdale, Shelby, and Tipton, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Carroll, Chester, Crockett, Decatur, Gibson, Hardeman, Hardin, Henderson, Henry, Lake, McNairy, Madison, Obion, Perry, and Weakley, including the waters of the Tennessee River to low-water mark on the eastern shore thereof wherever such river forms the boundary line between the western and middle districts of Tennessee, from the north line of the State of Alabama north to the point in Henry County, Tenn., where the south boundary line of the State of

*Kentucky strikes the west bank of the river, which shall constitute the eastern division of said district. Terms of the district court for the western division of said district shall be held at Memphis on the fourth Mondays in May and November; and for the eastern division, at Jackson on the fourth Mondays in April and October. The clerk of the court for the western district shall appoint, in the manner provided in section 4, a deputy who shall reside at Jackson. The marshal for the western district shall appoint a deputy who shall reside at Jackson. The marshal for the eastern district shall appoint a deputy who shall reside at Chattanooga. The clerk of the court for the eastern district shall maintain an office, in charge of himself or a deputy, at Knoxville, at Chattanooga, and at Greeneville, which shall be kept open at all times for the transaction of the business of the court.]*

The next amendment to the amendment was in section 105, page 56, line 3, after the word "constitute" to insert "Nashville division;" in line 8, after the words "for the" to insert "Nashville division;" in line 23, after "Weakley" to insert:

*including the waters of the Tennessee River to low-water mark on the eastern shore thereof wherever such river forms the boundary line between the western and middle districts of Tennessee, from the north line of the State of Alabama north to the point in Henry County, Tenn., where the south boundary line of the State of Kentucky strikes the west bank of the river;*

and on page 57, line 9, after the word "appoint," to insert "in the manner provided in section 4, a;" so as to read:

The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bedford, Cannon, Cheatham, Coffee, Davidson, Dickson, Franklin, Giles, Grundy, Hickman, Humphreys, Houston, Lawrence, Lewis, Lincoln, Marshall, Maury, Montgomery, Moore, Robertson, Rutherford, Stewart, Sumner, Trousdale, Warren, Wayne, Williamson, and Wilson, which shall constitute the Nashville division of said district; also the territory embraced on the date last mentioned in the counties of Clay, Cumberland, Dekalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Van Buren, and White, which shall constitute the northeastern division of said district. Terms of the district court for the Nashville division of said district shall be held at Nashville on the second Mondays in April and October; and for the northeastern division at Cookeville on the second Mondays in May and November: *Provided*, That suitable accommodations for holding court at Cookeville shall be provided by the county or municipal authorities without expense to the United States. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Dyer, Fayette, Haywood, Lauderdale, Shelby, and Tipton, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Carroll, Chester, Crockett, Decatur, Gibson, Hardeman, Hardin, Henderson, Henry, Lake, McNairy, Madison, Obion, Perry, and Weakley, *including the waters of the Tennessee River to low-water mark on the eastern shore thereof wherever such river forms the boundary line between the western and middle districts of Tennessee, from the north line of the State of Alabama north to the point in Henry County, Tenn., where the south boundary line of the State of Kentucky strikes the west bank of the river, which shall constitute the eastern division of said district.* Terms of the district court for the western division of said district shall be held at Memphis on the fourth Mondays in May and November; and for the eastern division at Jackson on the fourth Mondays in April and October. The clerk of the court for the western district shall appoint, in the manner provided in section 4, a deputy who shall reside at Jackson.

The amendment to the amendment was agreed to.

The Secretary proceeded to read section 106 of the amendment, relating to Texas.

Mr. CULBERSON. I have not had an opportunity, not having seen this amendment until a few moments ago, to compare it with existing law, but I understand from the Senator from Idaho, who has charge of the bill, that it makes no changes in existing law as to the State of Texas.

Mr. HEYBURN. It makes no changes in the existing law. There are some italics, for instance, on pages 58 and 59, referring to a new division that was created. Pending consideration by the committee, legislation was enacted dividing and creating divisions. We have carried all that into this section. The Senator will find that this exactly comports with the existing law.

#### OCEAN MAIL SERVICE AND THE PROMOTION OF COMMERCE.

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). The Chair lays before the Senate the unfinished business, the hour of 2 o'clock having arrived. It will be stated.

The SECRETARY. A bill (S. 6708) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. GALLINGER. Mr. President, I will inquire if any Senator is prepared to proceed with the discussion of the bill. I had intended to ask for a day upon which to vote on the bill, but at the request of a Senator I agreed to postpone that request until to-morrow. I will simply state that on to-morrow I will ask that the bill be voted on a week from Thursday next, the 26th, and if it is found impossible to secure consent for a vote at that or some other proper time, I shall then feel constrained, day by day, to ask that the consideration of the bill be proceeded with. I now ask that it be temporarily laid aside.

The PRESIDING OFFICER. The Senator from New Hampshire asks that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

#### REVISION OF LAWS—JUDICIARY TITLE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary.

The Secretary read section 106 of the amendment, as follows:

SEC. 106. [The State of Texas is divided into four districts, to be known as the northern, eastern, western, and southern districts of Texas. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Dallas, Ellis, Hunt, Johnson, Kaufman, Navarro, and Rockwall, which shall constitute the Dallas division; also the territory embraced on the date last mentioned in the counties of Archer, Baylor, Clay, Comanche, Erath, Foard, Hardeman, Hood, Jack, Palo Pinto, Parker, Tarrant, Wichita, Wilbarger, Wise, and Young, which shall constitute the Fort Worth division; also the territory embraced on the date last mentioned in the counties of Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crosby, Dallam, Deaf Smith, Dickens, Donley, Floyd, Gray, Hale, Hall, Hansford, Hartley, Hemphill, Hockley, Hutchinson, King, Lamb, Lipscomb, Lubbock, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler, which shall constitute the Amarillo division; also the territory embraced on the date last mentioned in the counties of Andrews, Borden, Callahan, Dawson, Eastland, Fisher, Gaines, Garza, Haskell, Howard, Jones, Kent, Knox, Lynn, Martin, Midland, Mitchell, Nolan, Scurry, Shackelford, Stephens, Stonewall, Taylor, Terry, Throckmorton, and Yoakum, which shall constitute the Abilene division; also the territory embraced on the date last mentioned in the counties of Brown, Coke, Coleman, Concho, Crockett, Glasscock, Irion, Menard, Mills, Runnels, Schleicher, Sterling, Sutton, Tom Green, and Upton, which shall constitute the San Angelo division of the said district. Terms of the district court for the Dallas division shall be held at Dallas on the second Monday in January and the first Monday in May; for the Fort Worth division, at Fort Worth on the first Monday in November and the second Monday in March; for the Amarillo division, at Amarillo on the third Monday in April and the fourth Monday in September; for the Abilene division, at Abilene on the first Monday in October and the second Monday in April; and for the San Angelo division, at San Angelo on the third Monday in October and the fourth Monday in April. The clerk of the court for the northern district shall maintain an office in charge of himself or a deputy at Dallas, at Fort Worth, at Amarillo, at Abilene, and at San Angelo, which shall be kept open at all times for the transaction of the business of the court. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Anderson, Angelina, Cherokee, Gregg, Henderson, Houston, Nacogdoches, Panola, Rains, Rusk, Smith, Van Zandt, and Wood, which shall constitute the Tyler division; also the territory embraced on the date last mentioned in the counties of Hardin, Jasper, Jefferson, Liberty, Newton, Orange, Sabine, San Augustine, Shelby, and Tyler, which shall constitute the Beaumont division; also the territory embraced on the date last mentioned in the counties of Collin, Cook, Denton, Grayson, and Montague, which shall constitute the Sherman division; also the territory embraced on the date last mentioned in the counties of Camp, Cass, Harrison, Hopkins, Marion, Morris, and Upshur, which shall constitute the Jefferson division; also the territory embraced on the date last mentioned in the counties of Delta, Fannin, Red River, and Lamar, which shall constitute the Paris division; also the territory embraced on the date last mentioned in the counties of Bowie, Franklin, and Titus, which shall constitute the Texarkana division. The terms of the district court for the Tyler division, shall be held at Tyler on the fourth Mondays in January and April; for the Jefferson division, at Jefferson on the first Monday in October and the third Monday in February; for the Beaumont division, at Beaumont on the third Monday in November and the first Monday in April; for the Sherman division, at Sherman on the first Monday in January and the third Monday in May; for the Paris division, at Paris on the third Monday in October and the first Monday in March; and for the Texarkana division, at Texarkana on the third Monday in March and the first Monday in November. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy in Sherman, at Beaumont, and at Texarkana, which shall be kept open at all times for the transaction of the business of said court. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bastrop, Blanco, Burleson, Burnet, Caldwell, Gillespie, Hays, Kimble, Lampasas, Lee, Llano, Mason, McCulloch, San Saba, Travis, Washington, and Williamson, which shall constitute the Austin division; also the territory embraced on the date last mentioned in the counties of Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Gonzales, Guadalupe, Karnes, Kendall, Kerr, Medina, and Wilson, which shall constitute the San Antonio division; also the territory embraced on the date last mentioned in the counties of Brewster, Crane, Ector, El Paso, Jeff Davis, Loving, Reeves, Presidio, Ward, and Winkler, which shall constitute the El Paso division; also the territory embraced on the date last mentioned in the counties of Bell, Bosque, Coryell, Falls, Hamilton, Freestone, Hill, Leon, Limestone, McLennan, Milam, Robertson, and Somervell, which shall constitute the Waco division; also the territory embraced on the date last mentioned in the counties of Kinney, Maverick, Pecos, Terrell, Uvalde, Valverde, and Zavalla, which shall constitute the Del Rio division. Terms of the district court for the Austin division, shall be held at Austin on the fourth Monday in January and the second Monday in June; for the Waco division, at Waco on the fourth Monday in February and the second Monday in November; for the San Antonio division, at San Antonio on the first Monday in May and the third Monday in December; for the El Paso division, at El Paso on the first Monday in April and the first Monday in October; and for the Del Rio division, at Del Rio on the third Monday in March and the fourth Monday in October. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Austin, at El Paso, and at Del Rio, which shall be kept open at all times for the transaction of business. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Duval, La Salle, McMullen, Nueces, Webb, and Zapata, which shall constitute the Laredo division; also the territory embraced on the date last mentioned in the counties of Cameron, Hidalgo, and Starr, which shall constitute the Brownsville division; also the territory embraced on the date last mentioned in the counties of Austin, Brazoria, Chambers, Galveston, Fort Bend, Matagorda, and Wharton, which shall constitute the Galveston division; also the territory embraced on the date last mentioned in the counties of Brazos, Colorado, Fayette, Grimes, Harris, Lavaca, Madison, Montgomery, Polk, San Jacinto, Trinity, Walker, and Waller, which shall



constitute the *Houston* division; also the territory embraced on the date last mentioned, in the counties of Bee, Calhoun, Dewitt, Goliad, Jackson, Live Oak, Refugio, Aransas, San Patricio, and Victoria, which shall constitute the *Victoria* division. Terms of the district court for the *Galveston* division, shall be held at Galveston on the second Monday in January and the first Monday in June; for the *Houston* division, at Houston on the fourth Mondays in February and September; for the *Laredo* division, at Laredo on the third Monday in April and the second Monday in November; for the *Brownsville* division, at Brownsville on the second Monday in May and the first Monday in December; and for the *Victoria* division, at Victoria on the first Monday in May and the fourth Monday in November. The clerk of the court for the southern district shall maintain an office in charge of himself or a deputy at each of the places now designated for holding court in said district.]

The amendments to the section were, on page 58, line 12, before the word "division," to insert "Amarillo;" on page 59, line 3, before the word "division," to insert "Amarillo;" on page 62, line 14, before the word "division," to insert "Brownsville;" in line 17, before the word "division," to insert "the Galveston;" in line 21, before the word "division," to insert "the Houston;" in line 25, before the word "division," to insert "the Victoria;" on page 63, line 1, before the word "division," to insert "the Galveston;" in line 3, before the word "division," to insert "the Houston;" in line 4, after the word "for," to insert "the Laredo;" in line 6, before the word "division," to insert "the Brownsville;" and in line 8, before the word "division," to insert "the Victoria."

The amendments to the amendment were agreed to.

The Secretary read section 107, as follows:

SEC. 107. [The State of Utah shall constitute one judicial district, to be known as the district of Utah. It is divided into two divisions, to be known as the northern and central divisions. The northern division shall include the territory embraced on the 1st day of July, 1910, in the counties of Boxelder, Cache, Davis, Morgan, Rich, and Weber. The central division shall include the territory embraced on the date last mentioned in the counties of Beaver, Carbon, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Piute, Salt Lake, San Juan, San Pete, Sevier, Summit, Tooele, Uinta, Utah, Wasatch, Washington, and Wayne. Terms of the district court for the northern division shall be held at Ogden on the second Mondays in March and September; and for the central division, at Salt Lake City on the second Mondays in April and November. The clerk of the court for said district shall maintain an office in charge of himself or a deputy at each of the places where the court is now required to be held in the district.]

The Secretary read section 108, as follows:

SEC. 108. [The State of Vermont shall constitute one judicial district, to be known as the district of Vermont. Terms of the district court shall be held at Burlington on the fourth Tuesday in February; at Windsor on the third Tuesday in May; and at Rutland on the first Tuesday in October. In each year one of the stated terms of the district court may, when adjourned, be adjourned to meet at Montpelier and one at Newport.]

The Secretary read section 109, as follows:

SEC. 109. [The State of Virginia is divided into two districts, to be known as the eastern and western districts of Virginia. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Accomac, Alexandria, Amelia, Brunswick, Caroline, Charles City, Chesterfield, Culpeper, Dinwiddie, Elizabeth City, Essex, Fairfax, Fauquier, Gloucester, Goochland, Greensville, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Louisa, Lunenburg, Mathews, Mecklenburg, Middlesex, Nansemond, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Powhatan, Prince Edward, Prince George, Prince William, Princess Anne, Richmond, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warwick, Westmoreland, and York. Terms of the district court shall be held at Richmond on the first Mondays in April and October; at Norfolk on the first Mondays in May and November; and at Alexandria on the first Mondays in January and July. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alleghany, Albemarle, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Buckingham, Campbell, Carroll, Charlotte, Clarke, Craig, Cumberland, Dickenson, Floyd, Fluvanna, Franklin, Frederick, Giles, Grayson, Greene, Halifax, Henry, Highland, Lee, Madison, Montgomery, Nelson, Page, Patrick, Pulaski, Pittsylvania, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Warren, Washington, Wise, and Wythe. Terms of the district court shall be held at Lynchburg on the Tuesdays after the second Mondays in March and September; at Danville on the Tuesdays after the second Mondays in April and November; at Abingdon on the Tuesdays after the first Mondays in May and October; at Harrisonburg on the Tuesdays after the first Mondays in June and December; at Charlottesville on the second Monday in January and the first Monday in July; at Roanoke on the third Monday in February and the third Monday in June; and at Big Stone Gap on the fourth Monday in January and the second Monday in August. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Lynchburg, at Danville, at Charlottesville, at Roanoke, at Abingdon, and at Big Stone Gap, which shall be kept open at all times for the transaction of the business of the court.]

The Secretary read section 110, as follows:

SEC. 110. [The State of Washington is divided into two districts, to be known as the eastern and western districts of Washington. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Spokane, Stevens, Ferry, Okanogan, Chelan, Grant, Douglas, Lincoln, Kittitas, and Adams, with the waters thereof, including all Indian reservations within said counties, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Asotin, Garfield, Whitman, Columbia, Franklin, Walla Walla, Benton, Klickitat, and Yakima, with the waters thereof, including all Indian reservations within said counties, which shall constitute the southern division of said district. Terms of the district court for the eastern division shall be held at

Spokane on the first Tuesdays in April and September; for the southern division, at Walla Walla on the first Tuesdays in June and December, and at North Yakima on the first Tuesdays in May and October. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Whatcom, Skagit, Snohomish, King, San Juan, Island, Kitsap, Clallam, and Jefferson, with the waters thereof, including all Indian reservations within said counties, which shall constitute the northern division; also the territory embraced on the date last mentioned in the counties of Pierce, Mason, Thurston, Chehalis, Pacific, Lewis, Wahkiakum, Cowlitz, Clarke, and Skamania, with the waters thereof, including all Indian reservations within said counties, which shall constitute the western division of said district. Terms of the district court for the northern division, shall be held at Bellingham on the first Tuesdays in April and October; at Seattle on the first Tuesdays in May and November; and for the western division, at Tacoma on the first Tuesdays in February and July. The clerks of the courts for the eastern and western districts shall maintain an office in charge of himself or a deputy at each place in their respective districts where terms of court are now required to be held.]

Mr. JONES. On page 63, line 15, I desire to strike out the word "Kittitas" and to insert it in line 20, after the word "Klickitat." That puts it in the southern division.

Mr. HEYBURN. It transfers the county of Kittitas from one division to another?

Mr. JONES. Yes. I will state that the court is held in Yakima County, and Kittitas is just 30 miles north on the same line of railway. Therefore it should be in that division instead of the other.

Mr. HEYBURN. Where would the Senator insert it?

Mr. JONES. I would put it in line 20, after Klickitat.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington to the amendment.

The amendment to the amendment was agreed to.

Mr. JONES. In line 17, I move to strike out the word "eastern," before "division," and to insert "northern," making it the northern division instead of the eastern. Then it divides all the district into the northern and southern divisions.

The amendment to the amendment was agreed to.

Mr. JONES. In line 23, before the word "division," I move to strike out "eastern" and insert "northern."

The amendment to the amendment was agreed to.

Mr. JONES. On page 67, line 12, before the word "division," I move to strike out the word "western" and to insert "southern."

Mr. HEYBURN. I should like to inquire of the Senator just what effect that will have on existing conditions. Do I understand that the Senator is making a line east and west from the Idaho line to the ocean?

Mr. JONES. No; I am not changing the lines at all; but, for instance, in western Washington there is one division called the western division.

Mr. HEYBURN. That is in western Washington.

Mr. JONES. Yes. I am simply changing that same territory. It is the southern part of the district, and I am calling it the southern division. I do not propose to change the line of any division at all.

Mr. HEYBURN. What, then, would be the designation for the eastern counties?

Mr. JONES. In the one we are just talking about, in the western district, there are no eastern counties. It is called the western division, but the district is really divided by a line running east and west. The northern counties are in one division and the southern counties in the other, but one is called the northern division and the other is called the western division when in fact the western county—

Mr. HEYBURN. Then the Spokane region is in the northern district and in the eastern division?

Mr. JONES. No; it is in the eastern district, where Spokane is, with which the Senator is familiar. The northern counties are called the eastern division. I am changing that and calling Spokane County, Ferry County, Stevens County, and so on, the northern division.

Mr. HEYBURN. I have no objection to it. I have had some correspondence in regard to it, and that is the reason why I called attention to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. JONES. In line 16, before the word "division," I move to strike out "western" and insert "southern."

The amendment to the amendment was agreed to.

The Secretary read as follows:

SEC. 111. [The State of West Virginia is divided into two districts, to be known as the northern and southern districts of West Virginia. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Hancock, Brooke, Ohio, Marshall, Tyler, Pleasants, Wood, Wirt, Ritchie, Doddridge, Wetzel, Monongalia, Marion, Harrison, Lewis, Gilmer, Calhoun, Upshur, Barbour, Taylor, Preston, Tucker, Randolph, Pendleton, Hardy, Grant, Mineral, Hampshire, Morgan, Berkeley, and Jefferson, with the waters thereof. Terms

of the district court for the northern district shall be held at Wheeling on the first Tuesday in April and third Tuesday in September; at Clarksburg on the third Tuesday in April and first Tuesday in October; at Martinsburg on the second Tuesday in May and the third Tuesday in October; at Parkersburg on the second Tuesdays in January and June; and at Philippi on the fourth Tuesday in May and the first Tuesday in November: *Provided*, That a place for holding court at Philippi shall be furnished the Government free of cost by Barbour County until other provision is made therefor by law. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Jackson, Roane, Clay, Braxton, Webster, Nicholas, Pocahontas, Greenbrier, Fayette, Boone, Kanawha, Putnam, Mason, Cabell, Wayne, Lincoln, Logan, Mingo, Raleigh, Wyoming, McDowell, Mercer, Summers, and Monroe, with the waters thereof. Terms of the district court for the southern district shall be held at Charleston on the first Tuesday in June and the third Tuesday in November; at Huntington on the first Tuesday in April and the first Tuesday after the third Monday in September; at Bluefield on the first Tuesday in May and the third Tuesday in October; at Addison on the first Monday in September; and at Lewisburg on the second Tuesday in February: *Provided*, That accommodations for holding court at Addison shall be furnished without cost to the United States.]

SEC. 112. [The State of Wisconsin is divided into two districts, to be known as the eastern and western districts of Wisconsin. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Brown, Calumet, Dodge, Door, Florence, Fond du Lac, Forest, Green Lake, Kenosha, Kewaunee, Langlade, Manitowish, Marinette, Marquette, Milwaukee, Oconto, Outagamie, Ozaukee, Racine, Shawano, Sheboygan, Walworth, Washington, Waukesha, Waupaca, Waushara, and Winnebago. Terms of the district court for said district shall be held at Milwaukee on the first Mondays in January and October, at Oshkosh on the second Tuesday in June, and at Green Bay on the first Tuesday in April. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adams, Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Columbia, Crawford, Dane, Dunn, Douglas, Eau Claire, Grant, Green, Iowa, Iron, Jackson, Jefferson, Juneau, La Crosse, Lafayette, Lincoln, Marathon, Monroe, Oneida, Pepin, Pierce, Polk, Portage, Price, Richland, Rock, Rusk, St. Croix, Sauk, Sawyer, Taylor, Trempealeau, Vernon, Vilas, Washburn, and Wood. Terms of the district court for said district shall be held at Madison on the first Tuesday in December, at Eau Claire on the first Tuesday in June, at La Crosse on the third Tuesday in September, and at Superior on the fourth Tuesday in January and the second Tuesday in July. The district court for each of said districts shall be open at all times for the purpose of hearing and deciding causes of admiralty and maritime jurisdiction, so far as the same can be done without a jury. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Madison, at La Crosse, and at Superior, which shall be kept open at all times for the transaction of the business of the court. The marshal for the western district shall appoint a deputy marshal, who shall reside and keep his office at Superior. All writs and other process, except criminal warrants, issued at Superior may be made returnable at Superior; and the clerk at that place shall keep in his office the original records of all actions, prosecutions, and special proceedings so commenced and pending therein. Criminal warrants may be returned at any place within the district where court is held. Whenever warrants issued at Superior shall be returned at any other place, the clerk of the court wherein the warrant is returned shall certify the same, under the seal of the court, together with the plea and other proceedings had thereon, and the determination of the court upon such plea or proceedings, with all papers and orders filed in reference thereto, to the clerk of the court at Superior; and the clerk at Superior shall enter upon his records a minute of the proceedings had upon the return of said warrant, certified as aforesaid. All causes and proceedings instituted in the court at Superior shall be tried therein, unless by consent of the parties or upon the order of the court they are transferred to another place for trial.]

The amendments to section 112 were, on page 70, line 23, after the word "place," to insert "within the district;" in line 24, after the word "warrants," to insert "issued at Superior;" on page 71, line 1, to strike out the word "where" and insert "wherein;" in line 4, before the words "all papers," to insert "with;" in line 8, before the word "instituted," insert "and proceedings;" and in line 10, after the word "court," to insert the words "they are transferred to another place for trial."

The amendments to the amendment were agreed to.

Mr. HEYBURN. Mr. President, one moment before the Senator from Washington leaves the Chamber. I perhaps was not specific enough. I have had some correspondence with reference to the change of the names of those districts and divisions. An objection has been raised because it is stated it will require the reprinting of all stationery and the changing of all books and will make considerable trouble. Has the Senator taken that up with the United States attorneys and the judges there, or is it merely a suggestion on his part?

Mr. JONES. I have not.

Mr. HEYBURN. I would suggest, inasmuch as it applies to a division of the State, that it is a considerable item, because the stationery is provided in large quantities in advance.

Mr. JONES. It simply applies to two divisions.

Mr. HEYBURN. At least three sets of stationery would have to be reprinted. The Senator has not conferred with those officers. I merely make the suggestion, because I would not want it to appear here that I paid no heed to their request that I should give the matter attention.

Mr. JONES. I am very glad the Senator has suggested it, because nothing of the kind was suggested to me. I will be glad to take up the matter with them.

Mr. HEYBURN. The Senator can do it by telegraph, or perhaps a consultation with the Senator's colleague will answer the purpose.

Mr. JONES. Very well.

The last section of the amendment was read, as follows:

SEC. 113. [The State of Wyoming and the Yellowstone National Park shall constitute one judicial district, to be known as the district of Wyoming. Terms of the district court for said district shall be held at Cheyenne on the second Mondays in May and November; at Evanston on the second Tuesday in July; and at Lander on the first Monday in October; and the said court shall hold one session annually at Sheridan, and in said national park, on such dates as the court may order. The marshal and clerk of the said court shall each, respectively, appoint at least one deputy to reside at Evanston, and one to reside at Lander, unless he himself shall reside there, and shall also maintain an office at each of those places: *Provided*, That until a public building is provided at Lander, suitable accommodations for holding court in said town shall be furnished the Government at an expense not to exceed \$300 annually. The marshal of the United States for the said district may appoint one or more deputy marshals for the Yellowstone National Park, who shall reside in said park.]

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. HEYBURN. I had Arkansas passed over at the request of the senior Senator from that State. I do not see him present. I should like, if possible, to dispose of this chapter now. It is better to finish up these chapters as we go along.

Mr. SMOOT. The Senator from Iowa [Mr. CUMMINS] also desired to be present when this chapter was considered.

Mr. STONE. I should like to ask if the unfinished business has yet been laid before the Senate.

The PRESIDING OFFICER. It has been, the Chair will state to the Senator.

Mr. STONE. What disposition was made of it?

The PRESIDING OFFICER. It was temporarily laid aside.

Mr. GALLINGER. I will state to the Senator from Missouri, with whom I had some conversation about the matter, that at the request of one Senator I did not ask to-day to fix a day for voting on the bill; but I announced that I would make that request to-morrow.

The PRESIDING OFFICER. Does the Senator from Idaho want the question put on the sections reserved?

Mr. HEYBURN. I thought if the Senators from Arkansas and Iowa were convenient it would enable us to dispose of the entire chapter. Pages have gone into the rooms to find them. However, we will have to pass over those sections.

Mr. FLETCHER. Mr. President, I suggest the absence of a quorum, as some Senators desire to be present.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following answered to their names:

Bacon	Crane	Jones	Simmons
Beveridge	Crawford	Kean	Smith, Mich.
Bourne	Culberson	Lodge	Smith, S. C.
Bradley	Cummins	McCumber	Smoot
Brandegee	Depew	Martin	Stephenson
Briggs	Dick	Money	Stone
Bristow	Dixon	Overman	Sutherland
Brown	du Pont	Page	Swanson
Bulkeley	Fletcher	Percy	Tallaferro
Burkett	Flint	Perkins	Terrell
Burnham	Frye	Piles	Warner
Burton	Gallinger	Rayner	Warren
Carter	Gamble	Richardson	
Chamberlain	Guggenheim	Root	
Clark, Wyo.	Heyburn	Scott	

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. A quorum is present.

Mr. HEYBURN. The Senator from Iowa [Mr. CUMMINS] being now present, I should like to recur to section 79 and inquire of the Senator from Iowa what amendment he proposes to suggest.

Mr. CUMMINS. Will the Senator from Idaho please repeat his request?

Mr. HEYBURN. We have finished the consideration of the chapter, with the exception of Iowa and Arkansas, which we passed over at the request of Senators from those States. I should like to know if there is any amendment the Senator desires to make to the section relative to Iowa.

Mr. CUMMINS. I have not had time to examine it. I should like to ask the Senator from Idaho whether it makes any change in the present law.

Mr. HEYBURN. I think I will be able to meet the Senator's desire. The Senator will find a memorandum attached at the end of the amendment dealing with section 79, telling exactly what has been done:

Section 79: The acts authorizing the holding of terms of court at Davenport and at Ottumwa conferred upon the court authority to fix the times of holding court at those places. The court did so, and for three years has held court at those places on the dates so fixed.

Upon the recommendation of the district attorney those dates are carried into the revision—

In order to make the law conform to the fact.

Those provisions requiring the clerk and marshal to maintain deputies at Creston were struck out by the House when it had the section under



consideration, upon the motion of the Iowa Members interested, and upon their statement that the business at that place was so small as not to warrant the keeping of deputies there. It is for that reason omitted here.

Mr. CUMMINS. I believe the omission was eminently wise. I have no amendment to offer to the section. Assuming that the statement in the explanation is correct, and I do assume that it is correct, I shall not offer any amendment to the section.

Mr. HEYBURN. I ask for the adoption of the section.

The PRESIDING OFFICER. The question is on agreeing to section 79.

The section was agreed to.

Mr. HEYBURN. Now, the only remaining section for consideration is that of Arkansas. It was passed over at the request of the senior Senator from that State. I do not know whether he answered the roll call or whether he is at hand or not. I very much desire to clear up this chapter. This is the only remaining question that is open, and it is chapter 72 of the bill. If we can dispose of it now, I would be very glad to do it. However, I can not very well, in the absence of the Senator from Arkansas, ask that it be taken up; so we will proceed with other measures.

The senior Senator from Georgia [Mr. BACON] interposed some objection to section 1 and asked that it go over. I now have that section in a shape that will doubtless meet with his approval. However, in his absence I will again pass that section and proceed to the consideration of section 131, on page 128 of the bill. That is the point at which we left off its consideration.

The PRESIDING OFFICER. The Secretary will read.

The Secretary read section 131, as follows:

Sec. 131. Any judge of a circuit court of appeals, in respect of cases brought or to be brought before that court, shall have the same powers and duties as to allowances of appeals and writs of error, and the conditions of such allowances, as by law belong to the justices or judges in respect of other courts of the United States, respectively.

Mr. HEYBURN. I ask for the adoption of the section.

The PRESIDING OFFICER. Without objection, the section is agreed to.

The Secretary read section 132, as follows:

Sec. 132. The circuit courts of appeals, in cases in which their judgments and decrees are made final by this title, shall have appellate jurisdiction, by writ of error or appeal, to review the judgments, orders, and decrees of the supreme courts of Arizona and New Mexico, as by this title they may have to review the judgments, orders, and decrees of the district courts; and for that purpose said Territories shall, by orders of the Supreme Court of the United States, be made from time to time, be assigned to particular circuits.

The PRESIDING OFFICER. Without objection, section 132 is agreed to.

The Secretary read the next section, as follows:

Sec. 133. [In all cases other than those in which a writ of error or appeal will lie direct to the Supreme Court of the United States as provided in section two hundred and thirty-four, in which the amount involved or the value of the subject-matter in controversy shall exceed \$500, and in all criminal cases, writs of error and appeals shall lie from the district court for Alaska or from any division thereof, to the circuit court of appeals for the ninth circuit, and the judgments, orders, and decrees of said court shall be final in all such cases. But whenever such circuit court of appeals may desire the instruction of the Supreme Court of the United States upon any question or proposition of law which shall have arisen in any such case, the court may certify such question or proposition to the Supreme Court, and thereupon the Supreme Court shall give its instruction upon the question or proposition certified to it, and its instructions shall be binding upon the circuit court of appeals.]

Mr. HEYBURN. This section is a reenactment of section 15 of the circuit court of appeals act, and the changes made in the language used are indicated by italics, and are necessary for the purpose of revision. The section is existing law.

The PRESIDING OFFICER. Without objection, section 133 is agreed to.

The Secretary read section 134, as follows:

Sec. 134. All appeals, and writs of error, and other cases, coming from the district court for the district of Alaska to the circuit court of appeals for the ninth circuit, shall be entered upon the docket and heard at San Francisco, Cal., or at Portland, Oreg., or at Seattle, Wash., as the trial court before whom the case was tried below shall fix and determine: *Provided*, That at any time before the hearing of any appeal, writ of error, or other case, the parties thereto, through their respective attorneys, may stipulate at which of the above-named places the same shall be heard, in which case the case shall be remitted to and entered upon the docket at the place so stipulated and shall be heard there.

Mr. HEYBURN. I desire to recur to the preceding section, section 133. It is necessary in order that this work may intelligently appear in the Record that the reasons shall be given for changes in that section, where changes are made. The statement that I made with reference to the provisions in section 133—

Mr. BACON. I desire to make an inquiry, with the permission of the Senator. I understood that the Senator was upon the amendment which related to the distribution of the different counties in each State among the several district courts.

Mr. HEYBURN. That was concluded during the Senator's absence, with the exception of Arkansas, and the Arkansas section was laid aside, because of the absence of the senior Senator from Arkansas, who had requested an opportunity to look into it.

Mr. BACON. I was not interested in the matter to which the Senator now alludes; but am I to understand that the Senator now has before the Senate the bill which relates to the jurisdiction of the courts and the distribution of power among the various courts?

Mr. HEYBURN. Yes.

Mr. BACON. I did not anticipate that the Senator was going to pass into that branch of the subject. I supposed from what he said when the matter was taken up that the part of the act to be considered now does not relate to the subject of the distribution of power among the various district courts. There can be no more important matter than the question of the jurisdiction of the Federal courts and the distribution of power between the district courts and the circuit courts.

The Senator will remember that the other day, after he proposed to take it up, I suggested that the matter was of such importance that Senators ought to have notice of the time when the Senator proposed to call that question up. I have been acting upon that suggestion. I said to the Senator I was perfectly willing that any day should be designated that would suit his convenience, but some of us have communications which were sent to us by judges and by lawyers and officers of the courts, and even resolutions, I understand, of the National Bar Association; and I thought it was a matter of such importance that all Senators ought to know that it was going to be considered, so that they might be here. I do not think, Mr. President, it becomes us, with a handful of Senators, to attempt to deal with so far-reaching and responsible a matter as is this. I would, therefore, appeal to the Senator. I was just going to suggest that it would be in the economy of time and in the accomplishment of some definite result if so important a matter as this were put down for a certain time. It has doubtless had the most careful consideration of the Senator's committee; I do not depreciate their industry, nor do I question the wisdom of their conclusions, except in so far as it is necessary that each Senator may be guided in a measure by his own judgment. I simply desire to appeal to the Senator to ask to have this bill taken up at a certain time.

I was myself misled, or I should have been utilizing the time since the bill was first taken up this morning to prepare myself to present some views in regard to this matter. We have all of us a great many things which necessarily engage our attention and occupy our time. I should want to examine this bill very carefully and be prepared, if I might be able, to present some views that I have in regard to the matter, which do not simply reflect my own views, but the views of officers of the Government who are in the judicial branch of the service.

I have not, for instance, the resolution which was passed, as I understand, by the National Bar Association, a very important assembly, in which they, after solemn consideration, have expressed themselves as not entirely agreeing with some of the provisions in this bill. I should myself be very glad if the Senator would pretermitt this until we should have opportunity, upon notice of his intention to call it up, to be ready to present what we might wish to say about it.

The Senator will recall the fact, Mr. President, that when the criminal code bill was before the Senate and occupied possibly weeks, first and last, there was little or no attention given to it by the Senate at large; and I think this is a very much more important matter than that.

Mr. HEYBURN. Mr. President, during the last session of this Congress we proceeded about halfway through with this bill, giving it consideration day after day, and on the 30th of March, 1910, it was laid aside because it was not thought possible to finish it during that session and in order that Senators might have an opportunity to examine it. In order to facilitate its examination, the committee had printed a report, which is Report No. 388, and I particularly call the Senator's attention to it, because it answers the objection that Senators are not familiar with this bill. Every section is explained in detail. It contains a statement by reference to sections as to what changes, if any, were made and why they were made, and I particularly commend it to Senators.

If possible, this measure should be enacted at this Congress; otherwise the bill will die. We shall be compelled to commence over again in committee and in the Senate and in the other House. The other House is about as far along in the disposition of the bill as is this body. I do sincerely hope that Senators will familiarize themselves with the bill, so that we shall not be met with the objection that they have not had

time to consider it. We have had since last March. Since that time the committee has taken pains to have reports, references, memoranda, and all those means of advising Senators, printed and placed upon their desks, and at the beginning of the session we repeated that process.

The Senator from Georgia now suggests that I fix a time for the consideration of the bill. There are so many things before the Senate; there are so many special orders and requests for special orders, and things of that kind, that I would not know when to ask for the fixing of a time with any assurance that it would be reached and would not interfere with or be interfered with or displaced by appropriation bills. I am very anxious to get the bill ahead, to get it forward.

What part of the measure is it that the Senator from Georgia is not ready to take up? We have passed over one portion at his suggestion.

Mr. BACON. Which one was that?

Mr. HEYBURN. The one which involves a change in the system of the courts. That was passed over. I am not asking the Senate now to proceed to consider that. Why not proceed to consider those matters to which no objection is urged?

Mr. BACON. I will say to the Senator that I did not know that that particular provision had been passed over.

Mr. HEYBURN. It was passed over last March.

Mr. BACON. Oh, last March. I was speaking of to-day. It has not been adverted to to-day.

Mr. HEYBURN. We are not taking up matters that were passed over; we are proceeding from the point where we ceased the consideration of the bill.

Mr. BACON. Well, Mr. President, I have no greater interest in this bill than has any other Senator, probably not so much as have some others. I only am concerned that it shall receive the attention of the Senate, and that matters so grave as those to which the Senator from Idaho has just alluded, to wit, the constitution of the courts and their several jurisdictions, shall not be passed over in a manner which shall not indicate that they have received the consideration of the entire body.

The particular matter that the Senate is now upon I confess I have not so great an interest in as the one to which the Senator has alluded, which is the one that I have the most concern about; that is, the question of the change in the constitution of the courts. I am somewhat of an old foggy upon that question, Mr. President. We have courts which have existed for over a hundred years. I am not one of those in favor of changing for any slight reason or for anything less than a very grave reason the present constitution of those courts. Of course, that is not now under consideration.

If the Senator from Idaho will pretermit, as he has suggested, and as is now recognized as the intention, the consideration of that particular part of it, I do not know that I have any objection particularly to the consideration of other parts.

Mr. HEYBURN. The committee was proceeding with the consideration of the bill from the point where we laid aside the consideration of it last March.

Mr. CULBERSON. Mr. President—

Mr. HEYBURN. I should like to finish my statement in an orderly way.

Mr. CULBERSON. In view of a statement I was about to make, I will not interpose. I only wanted to make an independent inquiry about what this bill contained; but there is no hurry about it.

Mr. HEYBURN. If the Senator from Texas will permit me, I should like to finish my statement now, and then I will yield.

Mr. CULBERSON. Certainly.

Mr. HEYBURN. We had under consideration section 133, and I made certain suggestions as to changes. I did not have before me the memorandum of changes, so as to enable me to state them accurately. I desire that, in connection with every section which is adopted, the explanation shall appear in the Record. I therefore present it:

Section 133: This section is drawn from section 202 of the Criminal Code for Alaska and from sections 504 and 505 of the Civil Code, and states the existing law upon the subject. Those portions of the sections which authorize the taking of writs of error and appeals direct to the Supreme Court have been revised in section 234. At the present time capital cases go direct to the Supreme Court. The committee has so modified section 234 as to take from the Supreme Court its jurisdiction of capital cases, the effect being to vest the right to review on a writ of error in the circuit court of appeals. This is accomplished, so far as this section is concerned, by the omission of the words "other than capital," after the words "and in all criminal cases."

That being a very important change in the manner of procedure regarding Alaska cases, I feel there should be no element of uncertainty left as to why it was done. Now, I will ask the Senate to proceed to section 134.

The PRESIDING OFFICER. The Secretary will read section 134.

The Secretary read section 134, as follows:

Sec. 134. All appeals, and writs of error, and other cases, coming from the district court for the district of Alaska to the circuit court of appeals for the ninth circuit, shall be entered upon the docket and heard at San Francisco, Cal., or at Portland, Oreg., or at Seattle, Wash., as the trial court before whom the case was tried below shall fix and determine: *Provided*, That at any time before the hearing of any appeal, writ of error, or other case, the parties thereto, through their respective attorneys, may stipulate at which of the above-named places the same shall be heard, in which case the case shall be remitted to and entered upon the docket at the place so stipulated and shall be heard there.

Mr. HEYBURN. Mr. President, this section states the existing law.

Section 134: This section states the existing law, the omission of the words "that hereafter," at the beginning of the section, and the words "in the State of" before "California," "Oregon," and "Washington," respectively, being on account of redundancy.

The PRESIDING OFFICER. The question is on the adoption of the section as read.

The section was agreed to.

The reading of the bill was resumed, and the Secretary read as follows:

#### CHAPTER 7. THE COURT OF CLAIMS.

Sec.	Sec.
135. Appointment, oath, and salary of judges.	160. Aliens.
136. Seal.	161. All claims to be filed within six years; exceptions.
137. Session; quorum.	162. Rules of practice; may punish contempt.
138. Officers of the court.	163. Oaths and acknowledgments.
139. Salaries of officers.	164. Petitions and verification.
140. Clerk's bond.	165. Petition dismissed, when.
141. Contingent fund.	166. Burden of proof and evidence as to loyalty.
142. Reports to Congress; copies for departments, etc.	167. Commissioners to take testimony.
143. Members of Congress not to practice in the court.	168. Power to call upon departments for information.
144. Jurisdiction: Par. 1. Claims against the United States. 2. Set-offs. 3. Disbursing officers.	169. When testimony not to be taken.
145. Private claims in Congress transmitted to court.	170. Examination of claimant.
146. Judgments for set-off or counterclaims; how enforced.	171. Testimony; where taken.
147. Decree on accounts of disbursing officers.	172. Witnesses before commissioners.
148. Claims referred by departments.	173. Cross-examinations.
149. Procedure in cases transmitted by departments.	174. Witnesses; how sworn.
150. Judgments in cases transmitted by departments; how paid.	175. Fees of commissioners, by whom paid.
151. Claims in departments transmitted to court with consent of claimants.	176. Claims forfeited for fraud.
152. Claims in departments transmitted to court without consent of claimants; effect of findings.	177. Claims under act of June 10, 1874.
153. Either House of Congress or any committee thereof may refer claim to court.	178. New trial on motion of claimant.
154. Court may enter judgment in certain cases.	179. New trial on motion of United States.
155. Either House of Congress may refer certain claims to court.	180. Cost of printing record.
156. Costs may be allowed prevailing party.	181. No interest on claims.
157. Certain war claims not within jurisdiction of court.	182. Effect of payment of judgment.
158. Claims growing out of treaties not cognizable therein.	183. Final judgments a bar.
159. Claims pending in other courts.	184. Debtors to the United States may have amount due ascertained.
	185. Appeals and writs of error.
	186. Attorney General's report to Congress.
	187. Loyalty a jurisdictional fact in certain cases.
	188. Attorney General to appear for the defense.
	189. Persons not to be excluded as witnesses on account of color or because of interest; plaintiff may be witness for Government.
	190. Reports of court to Congress.

[Sec. 135. The Court of Claims, established by the act of February 24, 1855, shall be continued. It shall consist of a chief justice and four judges, who shall be appointed by the President, by and with the advice and consent of the Senate, and hold their offices during good behavior. Each of them shall take an oath to support the Constitution of the United States, and to discharge faithfully the duties of his office. The chief justice shall be entitled to receive an annual salary of \$6,500, and each of the other judges an annual salary of \$6,000, payable monthly, from the Treasury.]

Mr. HEYBURN. The report states, as to section 135:

This section states existing law, the increase in the salaries of the judges provided in the act of February 12, 1903 (32 Stat., 825), being carried into the section.

The PRESIDING OFFICER. The question is on the adoption of the section.

The section was agreed to.

The Secretary read section 136, as follows:

Sec. 136. The Court of Claims shall have a seal, with such device as it may order.

Mr. HEYBURN. That is existing law. There is no change in the language.



The PRESIDING OFFICER. The question is on the adoption of the section.

The section was agreed to.

The Secretary read section 137, as follows:

SEC. 137. [The Court of Claims shall hold one annual session at the city of Washington, beginning on the first Monday in December and continuing as long as may be necessary for the prompt disposition of the business of the court. Any three of the judges of said court shall constitute a quorum, and may hold a court for the transaction of business: *Provided*, That the concurrence of three judges shall be necessary to the decision of any case.]

Mr. HEYBURN. This section carries the act of June 23, 1874, into the existing revision.

The PRESIDING OFFICER. Without objection, the section will be agreed to.

The Secretary read section 138, as follows:

SEC. 138. The said court shall appoint a chief clerk, an assistant clerk if deemed necessary, a bailiff, and a chief messenger. The clerks shall take an oath for the faithful discharge of their duties, and shall be under the direction of the court in the performance thereof; and for misconduct or incapacity they may be removed by it from office; but the court shall report such removals, with the cause thereof, to Congress, if in session, or if not, at the next session. The bailiff shall hold his office for a term of four years, unless sooner removed by the court for cause.

Mr. HEYBURN. The report states as to this section:

Section 138: In recent appropriation acts the messenger provided for in section 1053, Revised Statutes, is termed a *chief messenger*, for the reason that additional messengers are now provided for the court. The section therefore states the existing law.

The section simply states existing law in conformity with the new denomination of this officer.

The PRESIDING OFFICER. The question is on the adoption of the section.

The section was agreed to.

The Secretary read section 139, as follows:

SEC. 139. [The salary of the chief clerk shall be \$3,500 a year; of the assistant clerk \$2,500 a year; of the bailiff \$1,500 a year, and of the chief messenger \$1,000 a year, payable quarterly from the Treasury.]

Mr. HEYBURN. Mr. President, I think this may be fairly stated as existing law. This section states the salaries provided in the last three or four appropriation acts for the officers authorized by section 1054 of the Revised Statutes. In view of the general practice of Congress in increasing in appropriation acts the salaries paid to officers and clerks, this section may fairly be considered as existing law. It is a composite of existing law.

The PRESIDING OFFICER. The question is on the adoption of the section.

The section was agreed to.

The Secretary read section 140, as follows:

SEC. 140. The chief clerk shall give bond to the United States in such amount, in such form, and with such security as shall be approved by the Secretary of the Treasury.

Mr. HEYBURN. That is existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read section 141, as follows:

SEC. 141. The said clerk shall have authority, when he has given bond as provided in the preceding section, to disburse, under the direction of the court, the contingent fund which may from time to time be appropriated for its use; and his accounts shall be settled by the proper accounting officers of the Treasury in the same way as the accounts of other disbursing agents of the Government are settled.

Mr. HEYBURN. That is existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read section 142, as follows:

[SEC. 142. On the first day of every regular session of Congress the clerk of the Court of Claims shall transmit to Congress a full and complete statement of all the judgments rendered by the court during the previous year, stating the amounts thereof and the parties in whose favor they were rendered, together with a brief synopsis of the nature of the claims upon which they were rendered. At the end of every term of the court he shall transmit a copy of its decisions to the heads of departments; to the Solicitor, the Comptroller, and the Auditors of the Treasury; to the Commissioner of the General Land Office and of Indian Affairs; to the chiefs of bureaus, and to other officers charged with the adjustment of claims against the United States.]

Mr. HEYBURN. That is existing law with one change in the first line, where the word "regular" is substituted for "December."

The PRESIDING OFFICER. The question is on the adoption of the section.

The section was agreed to.

The Secretary read section 143, as follows:

SEC. 143. No Member or Member-elect of Congress shall practice in the Court of Claims.

Mr. HEYBURN. Mr. President, the only change proposed in this section is that it prohibits Members-elect of Congress from practicing in the Court of Claims.

The PRESIDING OFFICER. The question is on the adoption of the section.

The section was agreed to.

The Secretary proceeded to read section 144, as follows:

SEC. 144. The Court of Claims shall have jurisdiction to hear and determine the following matters:

[First. All claims (except for pensions) founded upon the Constitution of the United States or any law of Congress, upon any regulation of an executive department, upon any contract, express or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect of which claims the party would be entitled to redress against the United States either in a court of law, equity, or admiralty if the United States were suable: *Provided, however*, That nothing in this section shall be construed as giving to the said court jurisdiction to hear and determine claims growing out of the late Civil War, and commonly known as "war claims," or to hear and determine other claims which, prior to March third, eighteen hundred and eighty-seven, had been rejected or reported on adversely by any court, department, or commission authorized to hear and determine the same.]

Mr. CULBERSON. Mr. President, I ask the Senator in charge of the bill to explain the amendment in italics near the bottom of page 133.

Mr. HEYBURN. What is the line?

Mr. CULBERSON. Lines 21 and 22, near the bottom of page 133, the words "prior to March 3, 1887."

Mr. HEYBURN. Has the Senator before him the report?

Mr. CULBERSON. I have not.

Mr. HEYBURN. Every Senator should have a copy of the report. I will read from it:

The act of January 20, 1885 (23 Stat., 283), commonly known as the French spoliation claims act, and the act of March 3, 1891 (26 Stat., 851), commonly known as the Indian depredation claims act, have not been carried into the revision for the reason that neither act is "one of a general nature, permanent in character."

When we left out any portion of what had been associated with the Revised Statutes, it was necessary to bridge over that so that the provisions would be continuous. The italics, "March 3, 1887," merely fix the time that was fixed in a statute that does not appear in this revision, because it was not a general statute. Having cut out of this revision what was not general legislation, we had to make some statement that would fill this gap, if I may so express it, in regard to the date, the limitation. So we stated it in new language irrespective of the act.

Mr. CULBERSON. Mr. President, that portion of this section applicable to the present inquiry reads:

Or to hear and determine other claims which, prior to March 3, 1887, had been rejected or reported on adversely by any court, department, or commission authorized to hear and determine the same.

Mr. HEYBURN. That was in a statute that has not been carried into the revision.

Mr. CULBERSON. What becomes of claims adverse action upon which has been had since the date which is italicized in this bill?

Mr. HEYBURN. They are provided for by the general terms of this measure.

Mr. CULBERSON. This is the jurisdictional part, Mr. President, of the act, the part conferring jurisdiction upon the Court of Claims, and these cases are excepted from the jurisdiction of the court by this general law.

Mr. HEYBURN. Mr. President, if the Senator will read the other two paragraphs of this section I think he will get some light on that matter. This section is divided into three paragraphs for the purpose of discussing these three separate subjects of jurisdiction. The provision in italics became apparently necessary when we had eliminated from the existing law certain provisions. It then became necessary to connect up, so to speak, that which was to remain in the Revised Statutes. The other laws will pass out of existence, because their purposes will have been fulfilled; but these provisions, having been interwoven with provisions of law that will pass out of existence, it is necessary to repeat them in this portion of the law which is retained in order that the law might not be disconnected from the necessary provisions for its execution. I think the Senator has already found an answer to his question in the second paragraph of this section.

Mr. CULBERSON. I confess, Mr. President, that nothing I have read or heard changes my opinion about the matter. Here is a general provision, conferring upon the Court of Claims jurisdiction to hear a certain character of cases. That portion of the section to which I allude, by the amendment proposed by the Senator in charge of the bill, excepts such claims the adverse decision upon which by any of the departments was had since March 3, 1887; in other words, all that character of cases covered by paragraph 1 of section 144 which have been decided since 1887 are left without jurisdiction anywhere, so far as this code is concerned. The court has no jurisdiction of this character of cases unless the adverse decision was made prior to 1887.

Mr. SUTHERLAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Utah?

Mr. CULBERSON. I do.

Mr. HEYBURN. I have the existing law.

Mr. SUTHERLAND. The provision to which the Senator from Texas calls attention is simply another way of declaring the existing law. The act of March 3, 1887, defining the jurisdiction of the Court of Claims, contains a proviso which reads:

*Provided, however,* That nothing in this section shall be construed as giving to either of the courts herein mentioned jurisdiction to hear and determine claims growing out of the late Civil War and commonly known as "war claims," or to hear and determine other claims which have heretofore been rejected.

That was the language of the act of March 3, 1887—"which have heretofore been rejected." In reciting the jurisdiction of that court it would not do to say at this date "claims which have heretofore been rejected," because then the language would refer to this date, when the existing law, passed in 1887, referred to that date—that is, March 3, 1887. Therefore it is necessary, in order to carry into effect the act of 1887, to refer to the date of the act; and so, instead of "claims which have heretofore been rejected," we say "claims which have been rejected prior to March 3, 1887," which is the date of the act.

Mr. HEYBURN. Having left out, Mr. President, the recitals in that act, we would be without any guide did we not express it as we have in this amendment. I think Senators would be able to take up these questions more readily if they had the report before them. Part 2 of the report, on page 349, contains all of that information that is necessary. The report is in two parts. Part 2 has the existing law written opposite every section. Part 1 has a commentary upon the changes or the status of the sections, so that a Senator can see at a glance, with that before him, just what the purpose was. It would have been necessary otherwise to write in the provisions of that statute instead of merely stating the date that defines the operation.

The PRESIDING OFFICER. The Secretary will read.

Mr. HEYBURN. Do I understand the Senator from Texas to interpose an objection to that section?

Mr. CULBERSON. I have an individual objection, but I would not call for a quorum or anything of that kind on the subject. I simply wanted an explanation and to let the Record show that this objection, if it be an objection, was pointed out.

Mr. HEYBURN. I hope the Senator will refer to page 349 of the report, and I think that his doubt will then be removed. This section appears in three paragraphs. As I recall, only the first paragraph of the section was read. I ask that the other paragraphs be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

[Second. All set-offs, counterclaims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any claimant against the Government in said court: *Provided*, That no suit against the Government of the United States brought by any officer of the United States to recover fees for services alleged to have been performed for the United States shall be allowed under this chapter until an account for said fees shall have been rendered and finally acted upon as required by law unless the proper accounting officer of the Treasury fails to act finally thereon within six months after the account is received in said office.]

Third. The claim of any paymaster, quartermaster, commissary of subsistence, or other disbursing officer of the United States, or of his administrators or executors, for relief from responsibility on account of loss by capture or otherwise, while in the line of his duty, of Government funds, vouchers, records, or papers in his charge, and for which such officer was and is held responsible.

Mr. HEYBURN. This act will remain in force outside of the revision without repeal until all pending cases are finally disposed of, when it will become obsolete. That is one reason for not carrying it into permanent law.

The PRESIDING OFFICER. The question is on the adoption of the section as read.

The section was agreed to.

The Secretary read as follows:

SEC. 145. All petitions and bills praying or providing for the satisfaction of private claims against the Government, founded upon any law of Congress, or upon any regulation of an executive department, or upon any contract, express or implied, with the Government of the United States, shall, unless otherwise ordered by resolution of the House in which they are introduced, be transmitted by the Secretary of the Senate or the Clerk of the House of Representatives, with all the accompanying documents, to the Court of Claims.

Mr. HEYBURN. That is section 1060 of the Revised Statutes, and the only change consists in the use of the word "express" instead of the word "expressed."

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

SEC. 146. Upon the trial of any cause in which any set-off, counterclaim, claim for damages, or other demand is set up on the part of the Government against any person making claim against the Government

in said court, the court shall hear and determine such claim or demand both for and against the Government and claimant; and if upon the whole case it finds that the claimant is indebted to the Government it shall render judgment to that effect, and such judgment shall be final, with the right of appeal, as in other cases provided for by law. Any transcript of such judgment, filed in the clerk's office of any district court, shall be entered upon the records thereof, and shall thereby become and be a judgment of such court and be enforced as other judgments in such court are enforced.

Mr. HEYBURN. That is existing law, with the exception that reference to the circuit court is omitted in pursuance of the general plan of the revision.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

SEC. 147. Whenever the Court of Claims ascertains the facts of any loss by any paymaster, quartermaster, commissary of subsistence, or other disbursing officer, in the cases hereinbefore provided, to have been without fault or negligence on the part of such officer, it shall make a decree setting forth the amount thereof, and upon such decree the proper accounting officers of the Treasury shall allow to such officer the amount so decreed as a credit in the settlement of his accounts.

Mr. HEYBURN. That is existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

SEC. 148. Whenever any claim is made against any executive department, involving disputed facts or controverted questions of law, where the amount in controversy exceeds \$3,000, or where the decision will affect a class of cases, or furnish a precedent for the future action of any executive department in the adjustment of a class of cases, without regard to the amount involved in the particular case, or where any authority, right, privilege, or exemption is claimed or denied under the Constitution of the United States, the head of such department may cause such claim, with all the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims, and the same shall be there proceeded in as if originally commenced by the voluntary action of the claimant; and the Secretary of the Treasury may, upon the certificate of any auditor or of the Comptroller of the Treasury, direct any account, matter, or claim of the character, amount, or class described in this section to be transmitted, with all the vouchers, papers, documents, and proofs pertaining thereto, to the said court for trial and adjudication: *Provided*, That no case shall be referred by any head of a department unless it belongs to one of the several classes of cases which by reason of the subject matter and character, the said court might, under existing laws, take jurisdiction of on such voluntary action of the claimant.

Mr. HEYBURN. That is existing law, with the exception that the words "of the" are inserted, having originally been omitted from the original text.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

SEC. 149. All cases transmitted by the head of any department, or upon the certificate of any auditor, or of the Comptroller of the Treasury, according to the provisions of the preceding section, shall be proceeded in as other cases pending in the Court of Claims, and shall, in all respects, be subject to the same rules and regulations.

Mr. HEYBURN. That is existing law, with the exception of the added words "of the" before the word "Comptroller" and "of the Treasury." They were obviously omissions from the original text.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

SEC. 150. The amount of any final judgment or decree rendered in favor of the claimant, in any case transmitted to the Court of Claims under the two preceding sections, shall be paid out of any specific appropriation applicable to the case, if any such there be; and where no such appropriation exists, the judgment or decree shall be paid in the same manner as other judgments of the said court.

Mr. HEYBURN. That is existing law, without change.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

SEC. 151. [When any claim or matter may be pending in any of the Executive Departments which involves controverted questions of fact or law, the head of such department, with the consent of the claimant, may transmit the same, with the vouchers, papers, proofs, and documents pertaining thereto, to the Court of Claims, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall report its findings to the department by which it was transmitted.]

Mr. HEYBURN. This is drawn from section 12 of the Tucker Act, and is existing law. The only change consists in the omission of the word "that" at the beginning of the section.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

SEC. 152. When a claim or matter is pending in any of the Executive Departments which may involve controverted questions of fact or law, the head of such department may transmit the same, with the vouchers, papers, proofs, and documents pertaining thereto, to said court, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall not enter judgment thereon, but shall report its findings and opinions to the department by which it was transmitted for its guidance and action.



Mr. HEYBURN. That is existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 153. Whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims, and the same shall there be proceeded in under such rules as the court may adopt. When the facts shall have been found the court shall not enter judgment thereon, except in the cases mentioned in the next succeeding section, but shall report the same to the committee or to the House by which the case was transmitted for its consideration.

Mr. HEYBURN. That is existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 154. In every case which shall come before the Court of Claims, or is now pending therein under the provisions of the two sections last preceding, if it shall appear to the satisfaction of the court, upon the facts established, that it has jurisdiction to render judgment or decree thereon under existing laws, it shall proceed to do so, giving to either party such further opportunity for hearing as in its judgment justice shall require, and report its proceedings therein to either House of Congress or to the department by which the same was referred to said court.

Mr. HEYBURN. That is existing law. Some slight changes are made in the phraseology where it refers to another act, but there is no change in the principle of the law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 155. Whenever any bill, except for a pension, shall be pending in either House of Congress providing for the payment of a claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may refer the same to the Court of Claims, which shall proceed with the same in accordance with such rules as it may adopt, and report to such House the facts in the case and the amount, where the same can be liquidated, including any facts bearing upon the question whether there has been delay or laches in presenting such claim or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy.

Mr. HEYBURN. I offer the amendment I send to the desk.

The SECRETARY. On page 139, line 23, after the word "remedy," insert:

together with such conclusions as shall be sufficient to inform Congress of the nature and character of the demand, either as a claim, legal or equitable, or as a gratuity, against the United States, and the amount, if any, legally or equitably due from the United States to the claimant.

The PRESIDING OFFICER. The question is on the adoption of the amendment submitted by the Senator from Idaho.

Mr. HEYBURN. For the information of Senators, I should say that this simply carries into the section the amendment made to it by the act of June 25, 1910—recent legislation.

The amendment was agreed to.

The PRESIDING OFFICER. Without objection, the section is adopted.

Mr. BACON. I certainly misunderstood the Senator from Idaho as to the scope of the sections which have been under consideration. I understood the Senator to say that everything which related to the merger of these courts was passed over, and yet all of these sections, or large numbers of them at least, are sections which relate to vesting in the district court the jurisdiction of the circuit court, which is the essence of the question.

Mr. HEYBURN. The Senator has not apprehended the spirit of what we are doing. We have been dealing entirely with the Court of Claims. Every provision has been one dealing with that court.

Mr. BACON. I understand that; but, as I understood the Senator, this particular bill is not the one which has included in it the provision which merges, as it were, the jurisdiction of the two courts.

Mr. HEYBURN. It does not merge it. The Tucker Act—Mr. BACON. Or takes it away, I should say, rather than merges, from the circuit court and devolves it upon the district court.

Mr. HEYBURN. No; it is not touched in this chapter. This deals only with the Court of Claims. It does not deal with the jurisdiction of other courts at all; neither takes from them nor adds to them.

Mr. BACON. This whole bill—

Mr. HEYBURN. The chapter now under consideration—

Mr. BACON. I am speaking of the whole bill.

Mr. HEYBURN. The Senator is aware of the fact that upon his own motion the portion of the bill which did propose to

change the character of the courts has been laid aside and is not under consideration.

Mr. BACON. I simply wished to know whether I was correct in my understanding.

Mr. HEYBURN. The Senator is correct in that.

Mr. BACON. For instance, I call the attention of the Senator to a number of sections which do not mention the circuit court, devolving certain jurisdiction upon the district court.

Mr. HEYBURN. We were not considering them at all.

Mr. BACON. Does the Senator understand that all sections of that kind are included in the part which has been passed over for future consideration?

Mr. HEYBURN. I have here an absolutely correct record of what was passed over; and if the Senator is anxious to go into a consideration of that question—

Mr. BACON. Not at all. I simply want to—

Mr. HEYBURN. I can refer him to what was done with every section of this bill. I have it written on the margin of the bill.

Mr. BACON. I will not take the time of the Senate to have the Senator do that.

Mr. HEYBURN. I can say to the Senator that we are not now considering anything with reference to the subject matter to which he has called attention.

Mr. BACON. The Senator from Idaho has stated that to me several times, and I understand it, but I wish to know this, with the permission of the Senator: Whether the act of passing over and premitting the consideration of certain provisions in the proposed law includes all of those sections which vest certain jurisdiction in the district court?

Mr. HEYBURN. It will include them, and if any are encountered later on in the bill they will be passed over for consideration under the general subject, whether or not we are going to change the system of our judicature.

Mr. BACON. That is the entire thing, of course.

Mr. HEYBURN. That was the understanding.

The PRESIDING OFFICER. The Secretary will resume the reading of the bill.

The Secretary read as follows:

Sec. 156. If the Government of the United States shall put in issue the right of the plaintiff to recover, the court may, in its discretion, allow costs to the prevailing party from the time of joining such issue. Such costs, however, shall include only what is actually incurred for witnesses, and for summoning the same, and fees paid to the clerk of the court.

Mr. HEYBURN. There is no change in existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 157. [The jurisdiction of said court shall not extend to or include any claim against the United States growing out of the destruction or damage to property by the Army or Navy during the war for the suppression of the rebellion, or for the use and occupation of real estate by any part of the military or naval forces of the United States in the operations of said forces during the said war at the seat of war; nor shall said court have jurisdiction of any claim against the United States which is barred by virtue of the provisions of any law of the United States.]

Mr. HEYBURN. That is existing law. The words "the" and "now" in the last clause of the section were dropped out as being redundant. It is merely a matter of the construction of the sentence.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 158. The jurisdiction of the said court shall not extend to any claim against the Government not pending therein on December 1st, 1862, growing out of or dependent on any treaty stipulation entered into with foreign nations or with the Indian tribes.

Mr. HEYBURN. That is existing law, with the exception of the use of the word "first," which is italicized, in place of the word "one," an error which was apparent on the face of the section.

The PRESIDING OFFICER. Does the Chair understand the Senator to say that there has been a change in the section?

Mr. HEYBURN. I was merely explaining that in the construction of the sentence sometimes it is necessary to drop out a word like "and" or "to."

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 159. No person shall file or prosecute in the Court of Claims, or in the Supreme Court on appeal therefrom, any claim for or in respect to which he or any assignee of his has pending in any other court any suit or process against any person who, at the time when the cause of action alleged in such suit or process arose, was, in respect thereto, acting or professing to act, mediate or immediately, under the authority of the United States.

Mr. HEYBURN. That is existing law, without change.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 160. Aliens who are citizens or subjects of any government which accords to citizens of the United States the right to prosecute claims against such government in its courts shall have the privilege of prosecuting claims against the United States in the Court of Claims, whereof such court, by reason of their subject matter and character, might take jurisdiction.

Mr. HEYBURN. There is no change from existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 161. Every claim against the United States cognizable by the Court of Claims shall be forever barred unless the petition setting forth a statement thereof is filed in the court or transmitted to it by the Secretary of the Senate or the Clerk of the House of Representatives, as provided by law, within six years after the claim first accrues: *Provided*, That the claims of married women, first accrued during marriage, of persons under the age of 21 years, first accrued during minority, and of idiots, lunatics, insane persons, and persons beyond the seas at the time the claim accrued, entitled to the claim, shall not be barred if the petition be filed in the court or transmitted, as aforesaid, within three years after the disability has ceased; but no other disability than those enumerated shall prevent any claim from being barred, nor shall any of the said disabilities operate cumulatively.

Mr. HEYBURN. The section as presented states the law as it was established by the United States Supreme Court in the case of the United States *v.* Greathouse, in One hundred and sixty-sixth United States, 601, so that it may be fairly stated that the section proposed states the existing law exactly.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 162. The said court shall have power to establish rules for its government and for the regulation of practice therein, and it may punish for contempt in the manner prescribed by the common law, may appoint commissioners, and may exercise such powers as are necessary to carry into effect the powers granted to it by law.

Mr. HEYBURN. There is no change from existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 163. The judges and clerks of said court may administer oaths and affirmations, take acknowledgments of instruments in writing, and give certificates of the same.

Mr. HEYBURN. That is existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 164. The claimant shall in all cases fully set forth in his petition the claim, the action thereon in Congress or by any of the departments, if such action has been had, what persons are owners thereof or interested therein, when and upon what consideration such persons became so interested; that no assignment or transfer of said claim or of any part thereof or interest therein has been made, except as stated in the petition; that said claimant is justly entitled to the amount therein claimed from the United States after allowing all just credits and offsets; that the claimant and, where the claim has been assigned, the original and every prior owner thereof, if a citizen, has at all times borne true allegiance to the Government of the United States; and, whether a citizen or not, has not in any way voluntarily aided, abetted, or given encouragement to rebellion against the said Government; and that he believes the facts as stated in the said petition to be true. The said petition shall be verified by the affidavit of the claimant, his agent or attorney.

Mr. HEYBURN. That is existing law, as found in section 1072 of the Revised Statutes.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 165. The said allegations as to true allegiance and voluntary aiding, abetting, or giving encouragement to rebellion against the Government may be traversed by the Government, and if on the trial such issues shall be decided against the claimant, his petition shall be dismissed.

Mr. HEYBURN. That is section 1073 of the Revised Statutes unchanged.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 166. Whenever it is material in any claim to ascertain whether any person did or did not give any aid or comfort to the late rebellion, the claimant asserting the loyalty of any such person to the United States during such rebellion shall be required to prove affirmatively that such person did, during said rebellion, consistently adhere to the United States and did give no aid or comfort to persons engaged in said rebellion; and the voluntary residence of any such person in any place where, at any time during such residence, the rebel force or organization held sway, shall be prima facie evidence that such person did give aid and comfort to said rebellion and to the persons engaged therein.

Mr. HEYBURN. That is existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 167. The Court of Claims shall have power to appoint commissioners to take testimony to be used in the investigation of claims

which come before it, to prescribe the fees which they shall receive for their services, and to issue commissions for the taking of such testimony, whether taken at the instance of the claimant or of the United States.

Mr. HEYBURN. That is existing law, without change.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 168. The said court shall have power to call upon any of the departments for any information or papers it may deem necessary, and shall have the use of all recorded and printed reports made by the committees of each House of Congress, when deemed necessary in the prosecution of its business. But the head of any department may refuse and omit to comply with any call for information or papers when, in his opinion, such compliance would be injurious to the public interest.

Mr. HEYBURN. That is existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 169. [When it appears to the court in any case that the facts set forth in the petition of the claimant do not furnish any ground for relief, it shall not authorize the taking of any testimony therein.]

Mr. HEYBURN. The words "be the duty of the court to," in the last line of the section, are omitted, the effect being to prohibit the court from authorizing the taking of testimony when the petition of the claimant does not furnish any ground for relief. It merely goes to the matter of practice.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 170. The court may, at the instance of the attorney or solicitor appearing in behalf of the United States, make an order in any case pending therein, directing any claimant in such case to appear, upon reasonable notice, before any commissioner of the court and be examined on oath touching any or all matters pertaining to said claim. Such examination shall be reduced to writing by the said commissioner, and be returned to and filed in the court, and may, at the discretion of the attorney or solicitor of the United States appearing in the case, be read and used as evidence on the trial thereof. And if any claimant, after such order is made and due and reasonable notice thereof is given to him, fails to appear, or refuses to testify or answer fully as to all matters within his knowledge material to the issue, the court may, in its discretion, order that the said cause shall not be brought forward for trial until he shall have fully complied with the order of the court in the premises.

Mr. HEYBURN. That is existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 171. The testimony in cases pending before the Court of Claims shall be taken in the county where the witness resides, when the same can be conveniently done.

Mr. HEYBURN. There is no change from existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 172. [The Court of Claims may issue subpoenas to require the attendance of witnesses in order to be examined before any person commissioned to take testimony therein. Such subpoenas shall have the same force as if issued from a district court, and compliance therewith shall be compelled under such rules and orders as the court shall establish.]

Mr. HEYBURN. The only changes there are in the form of the sentences. There is no change in the substance. It is the existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 173. In taking testimony to be used in support of any claim, opportunity shall be given to the United States to file interrogatories, or by attorney to examine witnesses, under such regulations as said court shall prescribe; and like opportunity shall be afforded the claimant, in cases where testimony is taken on behalf of the United States, under like regulations.

Mr. HEYBURN. There is no change of existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 174. The commissioner taking testimony to be used in the Court of Claims shall administer an oath or affirmation to the witnesses brought before him for examination.

Mr. HEYBURN. That is section 1084 of the Revised Statutes.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

Sec. 175. When testimony is taken for the claimant, the fees of the commissioner before whom it is taken and the cost of the commission and notice shall be paid by such claimant; and when it is taken at the instance of the Government such fees shall be paid out of the contingent fund provided for the Court of Claims or other appropriation made by Congress for that purpose.



Mr. HEYBURN. The changes there are slight. The words "together with all postage incurred by the Assistant Attorney General," in the fifth and sixth lines of the section, are omitted as obsolete, as all such business is entitled to be sent through the mails under the official frank of the department. As thus modified the section is existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

SEC. 176. Any person who corruptly practices or attempts to practice any fraud against the United States in the proof, statement, establishment, or allowance of any claim or of any part of any claim against the United States shall, ipso facto, forfeit the same to the Government; and it shall be the duty of the Court of Claims in such cases to find specifically that such fraud was practiced, or attempted to be practiced, and thereupon to give judgment that such claim is forfeited to the Government and that the claimant be forever barred from prosecuting the same.

Mr. HEYBURN. There is no change from existing law.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

SEC. 177. [No claim shall be allowed by the accounting officers under the provisions of the act of Congress approved June 16, 1874, or by the Court of Claims, or by Congress, to any person where such claimant, or those under whom he claims, shall willfully, knowingly, and with intent to defraud the United States, have claimed more than was justly due in respect of such claim, or presented any false evidence to Congress, or to any department or court, in support thereof.]

Mr. HEYBURN. That is existing law. There is no change.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read as follows:

SEC. 178. When judgment is rendered against any claimant, the court may grant a new trial for any reason which, by the rules of common law or chancery in suits between individuals, would furnish sufficient ground for granting a new trial.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read section 179, as follows:

SEC. 179. The Court of Claims, at any time while any claim is pending before it, or on appeal from it, or within two years next after the final disposition of such claim, may, on motion, on behalf of the United States, grant a new trial and stay the payment of any judgment therein, upon such evidence, cumulative or otherwise, as shall satisfy the court that any fraud, wrong, or injustice in the premises has been done to the United States; but until an order is made staying the payment of a judgment, the same shall be payable and paid as now provided by law.

Mr. HEYBURN. This is simply a separation of a statute that had application to the Court of Claims and the Supreme Court. It was amended so as to apply only to the Court of Claims in this chapter.

The section was agreed to.

The Secretary read section 180, as follows:

SEC. 180. There shall be taxed against the losing party in each and every cause pending in the Court of Claims the cost of printing the record in such case, which shall be collected, except when the judgment is against the United States, by the clerk of said court and paid into the Treasury of the United States.

Mr. HEYBURN. My suggestion as to the section preceding was indicated to apply to this section. I move the adoption of the section.

The PRESIDING OFFICER. Without objection, section 180 is agreed to.

The Secretary read section 181, as follows:

SEC. 181. No interest shall be allowed on any claim up to the time of the rendition of judgment thereon by the Court of Claims, unless upon a contract expressly stipulating for the payment of interest.

Mr. HEYBURN. I move the adoption of the section.

The PRESIDING OFFICER. Without objection, the section is adopted.

The Secretary read section 182, as follows:

SEC. 182. The payment of the amount due by any judgment of the Court of Claims, and of any interest thereon allowed by law, as hereinbefore provided, shall be a full discharge to the United States of all claim and demand touching any of the matters involved in the controversy.

Mr. HEYBURN. I move the adoption of the section.

The section was agreed to.

The Secretary read section 183, as follows:

SEC. 183. Any final judgment against the claimant on any claim prosecuted as provided in this chapter shall forever bar any further claim or demand against the United States arising out of the matters involved in the controversy.

Mr. HEYBURN. I move the adoption of the section.

The section was agreed to.

The Secretary read section 184, as follows:

SEC. 184. [Whenever any person shall present his petition to the Court of Claims alleging that he is or has been indebted to the United States as an officer or agent thereof, or by virtue of any contract therewith, or that he is the guarantor, or surety, or personal representative of any officer or agent or contractor so indebted, or that he or the person for whom he is such surety, guarantor, or personal repre-

sentative has held any office or agency under the United States, or entered into any contract therewith, under which it may be or has been claimed that an indebtedness to the United States had arisen and exists, and that he or the person he represents has applied to the proper department of the Government requesting that the account of such office, agency, or indebtedness may be adjusted and settled, and that three years have elapsed from the date of such application, and said account still remains unsettled and unadjusted, and that no suit upon the same has been brought by the United States, said court shall, due notice first being given to the head of said department and to the Attorney General of the United States, proceed to hear the parties and to ascertain the amount, if any, due the United States on said account. The Attorney General shall represent the United States at the hearing of said cause. The court may postpone the same from time to time whenever justice shall require. The judgment of said court or of the Supreme Court of the United States, to which an appeal shall lie, as in other cases, as to the amount due, shall be binding and conclusive upon the parties. The payment of such amount so found due by the court shall discharge such obligation. An action shall accrue to the United States against such principal, or surety, or representative to recover the amount so found due, which may be brought at any time within three years after the final judgment of said court; and unless suit shall be brought within said time, such claim and the claim on the original indebtedness shall be forever barred. The provisions of section one hundred and seventy shall apply to cases under this section.]

Mr. HEYBURN. This is a consolidation of two provisions in the Tucker Act, and the only change that is made is in the language necessary to express the consolidation. It is existing law. I move the adoption of the section.

The section was agreed to.

The Secretary read section 185, as follows:

SEC. 185. [The plaintiff or the United States, in any suit brought under the provision of the section last preceding, shall have the same right of appeal or writ of error as are now reserved in the statutes of the United States in that behalf made, and upon the conditions and limitations therein contained. The modes of procedure in claiming and perfecting an appeal or writ of error shall conform in all respects, as near as may be, to the statutes and rules of court governing appeals and writs of error in like causes.]

Mr. HEYBURN. I move the adoption of the section. I will state in connection with it that there is no change except that found necessary to make the meaning clear.

The section was agreed to.

The Secretary read section 186, as follows:

SEC. 186. [The Attorney General shall report to Congress, at the beginning of each regular session, the suits under section one hundred and eighty-four in which a final judgment or decree has been rendered, giving the date of each and a statement of the costs taxed in each case.]

Mr. HEYBURN. Mr. President, a word of explanation is due in regard to this section. The word "regular" before the word "session," in the second line of the section, has been added in the belief that Congress did not mean to require a report at the beginning of any special session. The dropping of the words "of Congress," in the second line, and the substitution of the words "section 184" for "this act" make no change in the meaning of the section. It was evidently a carelessly drawn statute and needed this change. I move its adoption.

The section was agreed to.

The Secretary read section 187, as follows:

SEC. 187. In any case of a claim for supplies or stores taken by or furnished to any part of the military or naval forces of the United States for their use during the late war for the suppression of the rebellion, the petition shall aver that the person who furnished such supplies or stores, or from whom such supplies or stores were taken, did not give any aid or comfort to said rebellion, but was throughout that war loyal to the Government of the United States, and the fact of such loyalty shall be a jurisdictional fact; and unless the said court shall, on a preliminary inquiry, find that the person who furnished such supplies or stores, or from whom the same were taken as aforesaid, was loyal to the Government of the United States throughout said war, the court shall not have jurisdiction of such cause, and the same shall, without further proceedings, be dismissed.

Mr. HEYBURN. Mr. President, that is existing law. We have made no change whatever. I move the adoption of the section.

The section was agreed to.

The Secretary read section 188, as follows:

SEC. 188. The Attorney General, or his assistants under his direction, shall appear for the defense and protection of the interests of the United States in all cases which may be transmitted to the Court of Claims under the provisions of this chapter, with the same power to interpose counterclaims, offsets, defenses for fraud practiced or attempted to be practiced by claimants, and other defenses, in like manner as he is required to defend the United States in said court.

The VICE PRESIDENT. Without objection, the section is agreed to.

Mr. HEYBURN. Mr. President, I desire, where changes are made in connection with the adoption of the section, to make a statement, so that it will appear in the Record in connection with each amendment. The changes in this section consisted in the omission of the word "That" at the beginning of the section; the omission of the word "now" before the word "required," in the next to the last line, and in the substitution of the words "the provisions of this chapter," in the fourth and fifth lines, for "this act." The effect of this substitution

is to require the Attorney General to appear in all cases arising under the provisions of this chapter instead of cases arising under the so-called Bowman Act, from which the section is drawn, and to interpose the proper defense to suits. It will be seen that it enlarges the duties of the Attorney General to that extent. It is made necessary by the subsequent legislation.

The section was agreed to.

The Secretary read section 189, as follows:

SEC. 189. [No person shall be excluded as a witness in the Court of Claims on account of color, or because he or she is a party to or interested in the cause or proceeding; and any plaintiff or party in interest may be examined as a witness on the part of the Government.]

Mr. HEYBURN. That is simply the bringing together of two provisions in the law. It constitutes no change in existing law.

The VICE PRESIDENT. Without objection, the section is agreed to.

The Secretary read the next section, as follows:

SEC. 190. Reports of the Court of Claims to Congress, under section one hundred and fifty-four, if not finally acted upon during the session at which they are reported, shall be continued from session to session and from Congress to Congress until the same shall be finally acted upon.

Mr. HEYBURN. That constitutes no change in existing law. I move its adoption.

The section was agreed to.

The Secretary read as follows:

#### CHAPTER 8.

##### THE COURT OF CUSTOMS APPEALS.

- |   |  |
|---|--|
| Sec.  | Sec.   |
| 191. Court of Customs Appeals; appointment and salary of judges; quorum; circuit and district judges may act in place of judge disqualified, etc. | 197. To be a court of record; to prescribe form and style of seal, and establish rules and regulations; may affirm, modify, or reverse and remand case, etc. |
| 192. Court to be always open for business; terms may be held in any circuit; when expenses of judges to be paid.                                  | 198. Final decisions of Board of General Appraisers to be reviewed only by customs court.  |
| 193. Marshal of the court; appointment, salary, and duties.   | 199. Other courts deprived of jurisdiction in customs cases; pending cases excepted.   |
| 194. Clerk of the court; appointment, salary, and duties.   | 200. Transfer to customs court of pending cases; completion of testimony.  |
| 195. Assistant clerk, stenographic clerks, and reporter; appointment, salary, and duties.   | 201. Appeals from Board of General Appraisers; time within which to be taken; record to be transmitted to customs court.                                     |
| 196. Rooms for holding court to be provided; bailiffs and messengers.   | 202. Records filed in customs court to be at once placed on calendar; calendar to be called every 60 days.   |

SEC. 191. There is hereby created a United States Court of Customs Appeals, which shall be presided over by a presiding judge and four associate judges, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary of \$7,000 a year. The presiding judge shall be so designated in the order of appointment and in the commission issued to him by the President; and the associate judges shall have precedence according to the date of their commissions. The said court shall organize and open for the transaction of business in the city of Washington, D. C., within 90 days after the judges or a majority of them, shall have qualified. Any three members of said court shall constitute a quorum, and the concurrence of three members shall be necessary to any decision thereof. In case of a vacancy or of the temporary inability or disqualification, for any reason, of one or two of the judges of said court, the President may, upon the request of the presiding judge of said court, designate any qualified United States circuit or district judge or judges to act in his or their place; and such circuit or district judges shall be duty qualified to so act.

The VICE PRESIDENT. Without objection, section 191 is agreed to.

The Secretary read section 192, as follows:

SEC. 192. The said Court of Customs Appeals shall always be open for the transaction of business, and sessions thereof may, in the discretion of the court, be held in the several judicial circuits, and at such places as said court may from time to time designate. Any judge who, in pursuance of the provisions of this chapter, shall attend a session of said court at any place other than the city of Washington, shall be paid, upon his written and itemized certificate, by the marshal of the district in which the court shall be held, his actual and necessary expenses incurred for travel and attendance, and the actual and necessary expenses of one stenographic clerk, who may accompany him; and such payments shall be allowed the marshal in the settlement of his accounts with the United States.

Mr. HEYBURN. This being a very recent act, of course, I think it is only fair where there are any changes to state some reason for them.

On line 20, page 153, the word "settlement" is used. "Settlement" is the correct term in the act. The word in the act is "statement." It is not a statement that is to be submitted; it is a settlement.

In section 191, line 7, the words "circuit or district judges" are used. That is because the law authorizes the sending of either of those classes of judges to hold this court.

At the outset I would say that we have been compelled necessarily to divide up and number this act, of very recent enactment, so that it does not bear just the same physical aspect as in the printed statutes. I merely call attention to that fact so that Senators may take it into consideration.

We have been compelled in some cases to use the word "and" for the purpose of connecting up, where we have been compelled to break into the structure, so to speak. Otherwise there are no changes whatever in this entire chapter 8 from existing law. It is the existing law as we recently enacted it.

The section was agreed to.

The Secretary read section 193, as follows:

SEC. 193. Said court shall have the services of a marshal, with the same duties and powers, under the regulations of the court, as are now provided for the marshal of the Supreme Court of the United States, so far as the same may be applicable. Said services within the District of Columbia shall be performed by a marshal to be appointed by and to hold office during the pleasure of the court, who shall receive a salary of \$3,000 per annum. Said services outside of the District of Columbia shall be performed by the United States marshals in and for the districts where sessions of said court may be held; and to this end said marshals shall be the marshals of said court. The marshal of said court, for the District of Columbia, is authorized to purchase, under the direction of the presiding judge, such books, periodicals, and stationery as may be necessary for the use of said court; and such expenditures shall be allowed and paid by the Secretary of the Treasury upon claim duly made and approved by said presiding judge.

The section was agreed to.

The Secretary read section 194, as follows:

SEC. 194. The court shall appoint a clerk, whose office shall be in the city of Washington, D. C., and who shall perform and exercise the same duties and powers in regard to all matters within the jurisdiction of said court as are now exercised and performed by the clerk of the Supreme Court of the United States, so far as the same may be applicable. The salary of the clerk shall be \$3,500 per annum, which sum shall be in full payment for all service rendered by such clerk; and all fees of any kind whatever and all costs shall be by him turned into the United States Treasury. Said clerk shall not be appointed by the court or any judge thereof as a commissioner, master, receiver, or referee. The costs and fees in the said court shall be fixed and established by said court in a table of fees to be adopted and approved by the Supreme Court of the United States within four months after the organization of said court: *Provided*, That the costs and fees so fixed shall not, with respect to any item, exceed the costs and fees charged in the Supreme Court of the United States; and the same shall be expended, accounted for, and paid over to the Treasury of the United States.

The section was agreed to.

The Secretary read section 195, as follows:

SEC. 195. In addition to the clerk, the court may appoint an assistant clerk at a salary of \$2,000 per annum, five stenographic clerks at a salary of \$1,600 per annum each, one stenographic reporter at a salary of \$2,500 per annum, and a messenger at a salary of \$840 per annum, all payable in equal monthly installments, and all of whom, including the clerk, shall hold office during the pleasure of and perform such duties as are assigned them by the court. Said reporter shall prepare and transmit to the Secretary of the Treasury once a week in time for publication in the Treasury Decisions copies of all decisions rendered to that date by said court, and prepare and transmit, under the direction of said court, at least once a year, reports of said decisions rendered to that date, constituting a volume, which shall be printed by the Treasury Department in such numbers and distributed or sold in such manner as the Secretary of the Treasury shall direct.

The section was agreed to.

The Secretary read section 196, as follows:

SEC. 196. The marshal of said court for the District of Columbia and the marshals of the several districts in which said Court of Customs Appeals may be held shall, under the direction of the Attorney General, and with his approval, provide such rooms in the public buildings of the United States as may be necessary for said court: *Provided*, That in case proper rooms can not be provided in such buildings, then the said marshals, with the approval of the Attorney General, may, from time to time, lease such rooms as may be necessary for said court. The bailiffs and messengers of said court shall be allowed the same compensation for their respective services as are allowed for similar services in the existing circuit courts. In no case shall said marshals secure other rooms than those regularly occupied by existing circuit courts, or district courts, or other public officers, except where such can not, by reason of actual occupancy or use, be occupied or used by said Court of Customs Appeals.

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). Without objection, the section will be adopted.

The Secretary read section 197, as follows:

SEC. 197. The said Court of Customs Appeals shall be a court of record, with jurisdiction as in this chapter established and limited. It shall prescribe the form and style of its seal, and the form of its writs and other process and procedure, and exercise such powers conferred by law as may be conformable and necessary to the exercise of its jurisdiction. It shall have power to establish all rules and regulations for the conduct of the business of the court, and as may be needful for the uniformity of decisions within its jurisdiction as conferred by law. It shall have power to review any decision or matter within its jurisdiction, and may affirm, modify, or reverse the same and remand the case with such orders as may seem to it proper in the premises, which shall be executed accordingly.

The section was agreed to.

The Secretary read section 198, as follows:

SEC. 198. The Court of Customs Appeals established by this chapter shall exercise exclusive appellate jurisdiction to review by appeal, as



herein provided, final decisions by a board of general appraisers in all cases as to the construction of the law and the facts respecting the classification of merchandise and the rate of duty imposed thereon under such classification, and the fees and charges connected therewith, and all appealable questions as to the jurisdiction of said board, and all appealable questions as to the laws and regulations governing the collection of the customs revenues; and the judgment or decrees of said Court of Customs Appeals shall be final in all such cases.

Mr. HEYBURN. In section 198, line 21, page 157, there is an obvious error. It should read "the judgments and decrees." I move to strike out the word "or" and insert "and." That conforms to the practice. The word "judgment" should be in the plural.

The amendment was agreed to.

The section as amended was agreed to.

The Secretary read section 199, as follows:

SEC. 199. After the organization of said court, no appeal shall be taken or allowed from any Board of United States General Appraisers to any other court, and no appellate jurisdiction shall thereafter be exercised or allowed by any other courts in cases decided by said Board of United States General Appraisers; but all appeals allowed by law from such Board of General Appraisers shall be subject to review only in the Court of Customs Appeals hereby established, according to the provisions of this chapter: *Provided*, That nothing in this chapter shall be deemed to deprive the Supreme Court of the United States of jurisdiction to hear and determine all customs cases which have heretofore been certified to said court from the United States circuit courts of appeals on applications for writs of certiorari or otherwise, nor to review by writ of certiorari any customs case heretofore decided or now pending and hereafter decided by any circuit court of appeals, provided application for said writ be made within six months after August 15, 1909: *Provided further*, That all customs cases decided by a circuit or district court of the United States or a court of a Territory of the United States prior to said date above mentioned, and which have not been removed from said courts by appeal or writ of error, and all such cases heretofore submitted for decision in said courts and remaining undecided may be reviewed on appeal at the instance of either party by the United States Court of Customs Appeals, provided such appeal be taken within one year from the date of the entry of the order, judgment, or decrees sought to be reviewed.

Mr. HEYBURN. In section 199, line 16, the committee has inserted the words "August 5th, 1909," in lieu of the words "from and after the passage of this act," because that was the date of its passage, and it is an appropriate adaptation of language. I move the adoption of the section.

The section was agreed to.

The Secretary read section 200, as follows:

SEC. 200. Immediately upon the organization of the Court of Customs Appeals all cases within the jurisdiction of that court pending and not submitted for decision in any of the United States circuit courts of appeals, United States circuit, Territorial or district courts, shall, with the record and samples therein, be certified by said courts to said Court of Customs Appeals for further proceedings in accordance herewith: *Provided*, That where orders for the taking of further testimony before a referee have been made in any of such cases, the taking of such testimony shall be completed before such certification.

Mr. HEYBURN. I move the adoption of the section.

The section was agreed to.

The Secretary read section 201, as follows:

SEC. 201. If the importer, owner, consignee, or agent of any imported merchandise, or the collector or Secretary of the Treasury, shall be dissatisfied with the decision of the Board of General Appraisers as to the construction of the law and the facts respecting the classification of such merchandise and the rate of duty imposed thereon under such classification, or with any other appealable decision of said board, they, or either of them, may, within 60 days next after the entry of such decree or judgment, and not afterwards, apply to the Court of Customs Appeals for a review of the questions of law and fact involved in such decision: *Provided*, That in Alaska and in the insular and other outside possessions of the United States 90 days shall be allowed for making such application to the Court of Customs Appeals. Such application shall be made by filing in the office of the clerk of said court a concise statement of errors of law and fact complained of; and a copy of such statement shall be served on the collector, or on the importer, owner, consignee, or agent, as the case may be. Thereupon the court shall immediately order the Board of General Appraisers to transmit to said court the record and evidence taken by them, together with the certified statement of the facts involved in the case and their decision thereon; and all the evidence taken by and before said board shall be competent evidence before said Court of Customs Appeals. The decision of said Court of Customs Appeals shall be final, and such cause shall be remanded to said Board of General Appraisers for further proceedings to be taken in pursuance of such determination.

The section was agreed to.

The Secretary read section 202, as follows:

SEC. 202. Immediately upon receipt of any record transmitted to said court for determination the clerk thereof shall place the same upon the calendar for hearing and submission; and such calendar shall be called and all cases thereupon submitted, except for good cause shown, at least once every 60 days.

Mr. HEYBURN. I move the adoption of the section.

The section was agreed to.

Mr. HEYBURN. Now, I desire to introduce an amendment covering the Commerce Court, to come in after page 160. It will be an amendment to the bill. A law was enacted since the bill under consideration was reported.

The PRESIDING OFFICER. The Senator from Idaho offers an amendment as a new chapter which will be read.

The SECRETARY. After page 160 insert the following:

# CHAPTER 9.

## THE COMMERCE COURT.

- |   |   |
|---|---|
| <p>Sec. 202a. Commerce Court created; judges of, appointment and designation; expense allowance to judges.</p> <p>202b. Additional circuit judges; appointment and assignment.</p> <p>202c. Officers of the court; clerk, marshal, etc.; salaries, etc.</p> <p>202d. Court to be always open for business; sessions of, to be held in Washington and elsewhere.</p> <p>202e. Marshals to provide rooms for holding court outside of Washington.</p> <p>202f. Assignment of judges to other duty; vacancies, how filled.</p> <p>202g. Powers of court and judges; writs, process, procedure, etc.</p> <p>202h. Jurisdiction of the court.</p> <p>202i. Suits to enjoin, etc., orders of Interstate Commerce Commission to be against United States; restraining orders, when granted without notice.</p> | <p>Sec. 202j. Jurisdiction of the court, how invoked; practice and procedure.</p> <p>202k. Final judgments and decrees reviewable in Supreme Court.</p> <p>202l. Suits to be against United States; when United States may intervene.</p> <p>202m. Attorney General to control all cases; Interstate Commerce Commission may appear as of right; parties interested may intervene, etc.</p> <p>202n. Complainants may appear and be made parties to case.</p> <p>202o. Pending cases to be transferred to Commerce Court; exception; status of transferred cases.</p> |
|---|---|

SEC. 202a. There is hereby created a court of the United States, to be known as the Commerce Court, which shall be a court of record, and shall have a seal of such form and style as the court may prescribe. The said court shall be composed of five judges, to be from time to time designated and assigned thereto by the Chief Justice of the United States, from among the circuit judges of the United States, for the period of five years, except that in the first instance the court shall be composed of the five additional circuit judges to be appointed as provided in the next succeeding section, who shall be designated by the President to serve for one, two, three, four, and five years, respectively, in order that the period of designation of one of the said judges shall expire in each year thereafter. In case of the death, resignation, or termination of assignment of any judge so designated, the Chief Justice shall designate a circuit judge to fill the vacancy so caused and to serve during the unexpired period for which the original designation was made. After the year 1914 no circuit judge shall be redesignated to service in the Commerce Court until the expiration of at least one year after the expiration of the period of his last previous designation. The judge first designated for the five-year period shall be the presiding judge of said court, and thereafter the judge senior in designation shall be the presiding judge. The associate judges shall have precedence and shall succeed to the place and powers of the presiding judge whenever he may be absent or incapable of acting in the order of the date of their designations. Four of said judges shall constitute a quorum, and at least a majority of the court shall concur in all decisions. Each of the judges during the period of his service in the Commerce Court shall, on account of the regular sessions of the court being held in the city of Washington, receive in addition to his salary as circuit judge an expense allowance at the rate of \$1,500 per annum.

SEC. 202b. The President shall, by and with the advice and consent of the Senate, appoint five additional circuit judges, no two of whom shall be from the same judicial circuit, who shall hold office during good behavior and who, from time to time, shall be designated and assigned by the Chief Justice of the United States for service in the district court of any district, or the circuit court of appeals for any circuit, or in the Commerce Court.

SEC. 202c. The court shall also have a clerk and a marshal, with the same duties and powers, so far as they may be appropriate and are not altered by rule of the court, as are now possessed by the clerk and marshal, respectively, of the Supreme Court of the United States. The offices of the clerk and marshal of the court shall be in the city of Washington, in the District of Columbia. The judges of the court shall appoint the clerk and marshal, and may also appoint, if they find it necessary, a deputy clerk and deputy marshal; and such clerk, marshal, deputy clerk, and deputy marshal shall hold office during the pleasure of the court. The salary of the clerk shall be \$4,000 per annum; the salary of the marshal \$3,000 per annum; the salary of the deputy clerk \$2,500 per annum; and the salary of the deputy marshal \$2,500 per annum. The said clerk and marshal may, with the approval of the court, employ all requisite assistance. The costs and fees in said court shall be established by the court in a table thereof, approved by the Supreme Court of the United States, within four months after the organization of the court; but such costs and fees shall in no case exceed those charged in the Supreme Court of the United States, and shall be accounted for and paid into the Treasury of the United States.

SEC. 202d. The Commerce Court shall be always open for the transaction of business. Its regular sessions shall be held in the city of Washington, in the District of Columbia; but the powers of the court or of any judge thereof, or of the clerk, marshal, deputy clerk, or deputy marshal may be exercised anywhere in the United States; and for expedition of the work of the court and the avoidance of undue expense or inconvenience to suitors the court shall hold sessions in different parts of the United States as may be found desirable. The actual and necessary expenses of the judges, clerk, marshal, deputy clerk, and deputy marshal of the court incurred for travel and attendance elsewhere than in the city of Washington shall be paid upon the written and itemized certificate of such judge, clerk, marshal, deputy clerk, or deputy marshal, by the marshal of the court, and shall be allowed to him in the settlement of his accounts with the United States.

SEC. 202e. The United States marshals of the Commerce Court may hold its sessions of the city of Washington in which the Commerce Court may hold its sessions shall provide, under the direction and with the approval of the Attorney General, such rooms in the public buildings of the United States as may be necessary for the court's use; but in case proper rooms can not be provided in such public buildings, said marshals, with the approval of the Attorney General, may then lease from time to time other necessary rooms for the court.

SEC. 202f. If, at any time, the business of the Commerce Court does not require the services of all the judges, the Chief Justice of the United States may, by writing, signed by him and filed in the Department of Justice, terminate the assignment of any of the judges or temporarily assign him for service in any district court or circuit court of appeals. In case of illness or other disability of any judge assigned to the Commerce Court the Chief Justice of the United States may assign any other circuit judge of the United States to act in his place, and may terminate such assignment when the exigence thereof shall cease; and any circuit judge so assigned to act in place of such judge shall, during his assignment, exercise all the powers and perform all the functions of such judge.

SEC. 202g. In all cases within its jurisdiction the Commerce Court, and each of the judges assigned thereto, shall, respectively, have and may exercise any and all of the powers of a district court of the United States and of the judges of said court, respectively, so far as the same may be appropriate to the effective exercise of the jurisdiction hereby conferred. The Commerce Court may issue all writs and process appropriate to the full exercise of its jurisdiction and powers and may prescribe the form thereof. It may also, from time to time, establish such rules and regulations concerning pleading, practice, or procedure in cases or matters within its jurisdiction as to the court shall seem wise and proper. Its orders, writs, and process may run, be served, and be returnable anywhere in the United States; and the marshal and deputy marshal of said court and also the United States marshals and deputy marshals in the several districts of the United States shall have like powers and be under like duties to act for and in behalf of said court as pertain to United States marshals and deputy marshals generally when acting under like conditions concerning suits or matters in the district courts of the United States.

SEC. 202h. The commerce court shall have the jurisdiction now possessed by circuit courts of the United States and the judges thereof over all cases of the following kinds:

First. All cases for the enforcement, otherwise than by adjudication and collection of a forfeiture or penalty or by infliction of criminal punishment, of any order of the Interstate Commerce Commission other than for the payment of money.

Second. Cases brought to enjoin, set aside, annul, or suspend in whole or in part any order of the Interstate Commerce Commission.

Third. Such cases as by section 3 of the act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, are authorized to be maintained in a circuit court of the United States.

Fourth. All such mandamus proceedings as under the provisions of section 20 or section 23 of the act entitled "An act to regulate commerce," approved February 4, 1887, as amended, are authorized to be maintained in a circuit court of the United States.

Nothing contained in this chapter shall be construed as enlarging the jurisdiction now possessed by the circuit courts of the United States or the judges thereof, that is hereby transferred to and vested in the commerce court.

The jurisdiction of the Commerce Court over cases of the foregoing classes shall be exclusive; but this chapter shall not affect the jurisdiction now possessed by any circuit or district court of the United States over cases or proceedings of a kind not within the above-enumerated classes.

SEC. 202i. Suits to enjoin, set aside, annul, or suspend any order of the Interstate Commerce Commission shall be brought in the Commerce Court against the United States. The pendency of such suit shall not of itself stay or suspend the operation of the order of the Interstate Commerce Commission; but the Commerce Court, in its discretion, may restrain or suspend, in whole or in part, the operation of the commission's order pending the final hearing and determination of the suit. No order or injunction so restraining or suspending an order of the Interstate Commerce Commission shall be made by the Commerce Court otherwise than upon notice and after hearing, except that in cases where irreparable damage would otherwise ensue to the petitioner, said court, or a judge thereof, may, on hearing after not less than three days' notice to the Interstate Commerce Commission and the Attorney General, allow a temporary stay or suspension in whole or in part of the operation of the order of the Interstate Commerce Commission for not more than 60 days from the date of the order of such court or judge, pending application to the court for its order or injunction, in which case the said order shall contain a specific finding, based upon evidence submitted to the judge making the order and identified by reference thereto, that such irreparable damage would result to the petitioner and specifying the nature of the damage. The court may, at the time of hearing such application, upon a like finding, continue the temporary stay or suspension in whole or in part until its decision upon the application.

SEC. 202j. The jurisdiction of the Commerce Court shall be invoked by filing in the office of the clerk of the court a written petition setting forth briefly and succinctly the facts constituting the petitioner's cause of action and specifying the relief sought. A copy of such petition shall be forthwith served by the marshal or a deputy marshal of the Commerce Court or by the proper United States marshal or deputy marshal upon every defendant therein named, and when the United States is a party defendant, the service shall be made by filing a copy of said petition in the office of the Secretary of the Interstate Commerce Commission and in the Department of Justice. Within 30 days after the petition is served, unless that time is extended by order of the court or a judge thereof, an answer to the petition shall be filed in the clerk's office, and a copy thereof mailed to the petitioner's attorney, which answer shall briefly and categorically respond to the allegations of the petition. No replication need be filed to the answer, and objections to the sufficiency of the petition or answer as not setting forth a cause of action or defense must be taken at the final hearing or by motion to dismiss the petition based on said grounds, which motion may be made at any time before answer is filed. In case no answer shall be filed as provided herein the petitioner may apply to the court on notice for such relief as may be proper upon the facts alleged in the petition. The court may, by rule, prescribe the method of taking evidence in cases pending in said court, and may prescribe that the evidence be taken before a single judge of the court, with power to rule upon the admission of evidence. Except as may be otherwise provided in this chapter, or by rule of the court, the practice and procedure in the Commerce Court shall conform as nearly as may be to that in like cases in a district court of the United States.

SEC. 202k. A final judgment or decree of the commerce court may be reviewed by the Supreme Court of the United States if appeal to the Supreme Court be taken by an aggrieved party within 60 days after the entry of said final judgment or decree. Such appeal may be taken in like manner as appeals from a district court of the United

States to the Supreme Court, and the Commerce Court may direct the original record to be transmitted on appeal instead of a transcript thereof. The Supreme Court may affirm, reverse, or modify the final judgment or decree of the Commerce Court as the case may require. Appeal to the Supreme Court, however, shall in no case supersede or stay the judgment or decree of the Commerce Court appealed from unless the Supreme Court or a justice thereof shall so direct; and appellant shall give bond in such form and of such amount as the Supreme Court, or the justice of that court allowing the stay, may require. An appeal may also be taken to the Supreme Court of the United States from an interlocutory order or decree of the Commerce Court granting or continuing an injunction restraining the enforcement of an order of the Interstate Commerce Commission, provided such appeal be taken within 30 days from the entry of such order or decree. Appeals to the Supreme Court under this section shall have priority in hearing and determination over all other causes except criminal causes in that court.

SEC. 202l. All cases and proceedings in the Commerce Court which but for this chapter would be brought by or against the Interstate Commerce Commission, shall be brought by or against the United States, and the United States may intervene in any case or proceeding in the commerce court whenever, though it has not been made a party, public interests are involved.

SEC. 202m. The Attorney General shall have charge and control of the interests of the Government in all cases and proceedings in the commerce court, and in the Supreme Court of the United States upon appeal from the Commerce Court. If in his opinion the public interest requires it, he may retain and employ in the name of the United States, within the appropriations from time to time made by the Congress for such purposes, such special attorneys and counselors at law as he may think necessary to assist in the discharge of any of the duties incumbent upon him and his subordinate attorneys; and the Attorney General shall stipulate with such special attorneys and counsel the amount of their compensation, which shall not be in excess of the sums appropriated therefor by Congress for such purposes, and shall have supervision of their action: *Provided*, That the Interstate Commerce Commission and any party or parties in interest to the proceeding before the commission, in which an order or requirement is made, may appear as parties thereto of their own motion and as of right, and be represented by their counsel, in any suit wherein is involved the validity of such order or requirement or any part thereof, and the interest of such party; and the court wherein is pending such suit may make all such rules and orders as to such appearances and representations, the number of counsel, and all matters of procedure, and otherwise, as to subserve the ends of justice and speed the determination of such suits: *Provided further*, That communities, associations, corporations, firms, and individuals who are interested in the controversy or question before the Interstate Commerce Commission, or in any suit which may be brought by anyone under the provisions of this chapter, or the acts of which it is amendatory or which are amendatory of it, relating to action of the Interstate Commerce Commission, may intervene in said suit or proceedings at any time after the institution thereof; and the Attorney General shall not dispose of or discontinue said suit or proceeding over the objection of such party or intervenor aforesaid, but said intervenor or intervenors may prosecute, defend, or continue said suit or proceeding unaffected by the action or nonaction of the Attorney General therein.

SEC. 202n. Complainants before the Interstate Commerce Commission interested in a case shall have the right to appear and be made parties to the case and be represented before the courts by counsel, under such regulations as are now permitted in similar circumstances under the rules and practice of equity courts of the United States.

SEC. 202o. Until the opening of the Commerce Court, all cases and proceedings of which from that time the Commerce Court is hereby given exclusive jurisdiction may be brought in the same courts and conducted in like manner and with like effect as is now provided by law; and if any such case or proceeding shall have gone to final judgment or decree before the opening of the Commerce Court, appeal may be taken from such final judgment or decree in like manner and with like effect as is now provided by law. Any such case or proceeding within the jurisdiction of the Commerce Court which may have been begun in any other court as hereby allowed, before the said date, shall be forthwith transferred to the Commerce Court, if it has not yet proceeded to final judgment or decree in such other court unless it has been finally submitted for the decision of such court, in which case the cause shall proceed in such court to final judgment or decree and further proceeding thereafter, and appeal may be taken direct to the Supreme Court; and if remanded, such cause may be sent back to the court from which the appeal was taken or to the Commerce Court for further proceeding as the Supreme Court shall direct. All previous proceedings in such transferred case shall stand and operate notwithstanding the transfer, subject to the same control over them by the Commerce Court and to the same right of subsequent action in the case or proceeding as if the transferred case or proceeding had been originally begun in the Commerce Court. The clerk of the court from which any case or proceeding is so transferred to the Commerce Court shall transmit to and file in the Commerce Court the originals of all papers filed in such case or proceeding and a certified transcript of all record entries in the case or proceeding up to the time of transfer.

Mr. BACON. I desire to inquire of the Senator from Idaho if he desires to go through with that particular branch to-day.

Mr. HEYBURN. This is an amendment that I imagine no one will offer any amendment to, because we enacted it only a short time ago.

Mr. BACON. That is the exact particular in which the Senator is mistaken. There are several amendments which are now being considered, not only by myself but by others. It has been some matter of discussion among members of the Judiciary Committee, I know, and there will be amendments offered to it. That is the reason why I made the inquiry of the Senator whether he desired to go on with that particular branch of it to-day. It is quite short, and its admission to-day will not involve any loss of time, so far as the reading is concerned, and possibly the amendments which may be offered, when they are offered, will not require very much time.

I will say very frankly to the Senator that some questions are being considered in reference to it upon which there has not yet



been reached a final conclusion, and I would be very glad, as other portions of the bill are to go over, if this also should be allowed to go over for that reason, and that alone.

Mr. HEYBURN. I should like to make this suggestion to the Senator. The object is to incorporate it into the bill at the proper place so the number of the chapters, the sections, and everything will constitute a complete bill when it is through. Now, of course, should the committee report or should Congress act before the final consideration and passage of the bill, everything that is done will be written into it as amendments. All the enactments of this session will necessarily be written into the bill at some time before the close of the session, because it is the purpose of the committee after they shall have obtained the consent of Congress to its passage, to then withhold it, so as to incorporate the legislation of the present Congress. That will commend itself, I think, to any Senator.

If we can be permitted to write into the bill now the law we have so recently passed, without any attempt to change it at all, and then let the changes come in, so to speak, before the door is closed against legislation upon the pending bill, it will enable us to make a very workmanlike job of it.

Mr. BACON. If I have understood the purpose of the Senator, it is to pass separate bills, each relating to the general subject of the structure of the judicial system, and afterwards to combine the whole of them.

Mr. HEYBURN. If the Senator will pardon me, the purpose is to pass the separate titles. For instance, the judiciary title will be introduced and passed as a single bill. It will not be divided up into different bills.

There are many titles comprising the Revised Statutes, and they will be introduced as separate bills. Then by one act they will be consolidated and denominated and given the character of a revision of the laws.

Mr. BACON. It is not the purpose, then, to make a separate enactment of each one of these chapters which are now under consideration?

Mr. HEYBURN. No; not at all. It is the purpose to confine the bills to the titles. This is the title "The Judiciary," and we passed this section.

Mr. BACON. I hold in my hand this bill, S. 7031, and that is a revision of the laws, "The Judiciary" title.

Mr. HEYBURN. That is, so far as that volume is concerned. That is volume 2.

Mr. BACON. Here is the bill which represents that.

Mr. HEYBURN. There will be a volume 3. It is divided up for the convenience of handling it here, but it has nothing to do with the structure of the legislation. When we have completed the consideration of that which we now have before the Senate, we shall present the remaining chapters. This title, of course, is divided into chapters. This constitutes practically all of it, or the great bulk of it; but there are some chapters relating to the clerks of the courts, district attorneys, and subjects like those which we thought we would hold back until we had agreed upon the general system of the structure of the law.

Mr. BACON. Mr. President, I am unfortunate in not entirely understanding the honorable Senator. I simply desire to ask him this question: This bill, No. 7031, is a bill denominated the revision of the laws, title "The Judiciary."

Mr. HEYBURN. Yes.

Mr. BACON. Now, that is proposed to be enacted as a separate statute, is it not?

Mr. HEYBURN. No; it will be enacted with the portions not included as amendments to it. That is not difficult to understand.

Mr. BACON. I am sorry to say that I do not understand the Senator.

Mr. HEYBURN. I have already given demonstrations of it to-day. I have secured the amendment of this bill by introducing new subjects which have since become legislation; they have become legislation since the original bill was printed. Before the close of this legislation the remaining chapters, which are not included in the print before the Senator from Georgia, will be offered as amendments. The work is progressing upon them now.

Mr. BACON. If the Senator will pardon me, this is a separate bill, is it not?

Mr. HEYBURN. No; it is only a part of a separate bill.

Mr. BACON. Is there another part?

Mr. HEYBURN. There will be another part in the shape of an amendment.

Mr. BACON. Is it proposed to enact this as a law now?

Mr. HEYBURN. And some more.

Mr. BACON. Mr. President, I am unfortunate. I can not make myself understood or the Senator can not make me understand, one or the other.

Mr. HEYBURN. I have no difficulty whatever in understanding the Senator.

Mr. BACON. I am sorry, because I am really a seeker after light, and I do not understand how separate bills can be enacted into law at the same time. I understand this to be a separate, substantive bill, and yet I gather from the statements of the Senator that it is to be incorporated with some other matters after it has been passed. I do not understand that method of procedure.

Mr. HEYBURN. I think I shall make myself understood now. I can do it. We shall proceed with the consideration of this subject, the judiciary, and when we have reached a point where it is evident that no more can be accomplished at this Congress we shall then close that legislation and that will conclude the bill. If we should be so unfortunate as not to have included the entire subject, we shall at another Congress take up the remainder of that title and endeavor to enact it into a separate bill. I hope we shall not be put to that alternative. I hope we shall have time at this Congress to enact everything that pertains to the judiciary title. I know we shall have if we can proceed along in an orderly manner, and I know that if we do not include all of the chapters which comprise that title Congress will not object to enacting as a law the chapters to which we have given consideration, leaving the unfinished part of the work to be covered by a subsequent bill. It seems to me that it is not necessary really at this time to consider that question, and that we had better spend our time considering the matters actually before us.

The Customs Court bill is a law enacted since the bill that we have under consideration was introduced in the Senate. It is properly an amendment to this bill. I have offered it as an amendment to the bill, and if we pass along with this work in a few minutes it will be a part of the bill by amendment.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Idaho [Mr. HEYBURN].

Mr. BACON. What is the amendment, Mr. President?

The PRESIDING OFFICER. Without objection, the Secretary will state the amendment.

The SECRETARY. It is proposed to add to the bill a new chapter, to be known as chapter 9, with the heading "Commerce Court."

Mr. BACON. Mr. President, I am not at this time prepared to accede to that amendment without certain amendments which I have stated to the Senator, but which, however, have not yet been matured.

Mr. HEYBURN. It is now open for amendment.

Mr. BACON. I am not now prepared to offer the amendments, Mr. President.

The PRESIDING OFFICER. What is the pleasure of the Senator from Georgia?

Mr. BACON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Bacon	Clark, Wyo.	Jones	Root
Bourne	Crane	Kean	Scott
Bradley	Crawford	Lodge	Smith, Md.
Brandeggee	Cullom	McCumber	Smith, Mich.
Briggs	Fletcher	Martin	Smith, S. C.
Bristow	Foster	Money	Smoot
Brown	Frye	Nelson	Sutherland
Bulkeley	Gallinger	Overman	Swanson
Burkett	Gamble	Page	Terrell
Burton	Hale	Percy	Thornton
Carter	Heyburn	Perkins	Tillman
Chamberlain	Johnston	Piles	Warren

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. A quorum is present. The question is on the adoption of the amendment offered by the Senator from Idaho [Mr. HEYBURN].

The amendment was agreed to.

The reading of the bill was resumed, on page 161, beginning with chapter 9, as follows:

#### CHAPTER 9. THE SUPREME COURT.

Sec. 203. Number of justices.	Sec. 213. Duties of the reporter.
204. Precedence of the Associate Justices.	214. Reporter's salary and allowances.
205. Vacancy in the office of Chief Justice.	215. Distribution of reports and digests.
206. Salaries of justices.	216. Additional reports and digests; limitation upon cost; estimates to be submitted to Congress annually.
207. Clerk, marshal, and reporter.	217. Terms.
208. The clerk to give bond.	218. Adournment for want of a quorum.
209. Deputies of the clerk.	219. Certain orders made by less than quorum.
210. Records of the old court of appeals.	
211. Tables of fees.	
212. Marshal of the Supreme Court.	

Sec.

220. Original disposition.  
 221. Writs of prohibition and mandamus.  
 222. Issues of fact.  
 223. Appellate jurisdiction.  
 224. Writs of error from judgments and decrees of State courts.  
 225. Appeals and writs of error from United States district courts.  
 226. Circuit court of appeals may certify questions to Supreme Court for instruction.  
 227. Certiorari to circuit court of appeals.  
 228. Appeals and writs of error in other cases.  
 229. Appeals from Court of Claims.  
 230. Time and manner of appeals from the Court of Claims.  
 231. Writs of error and appeals from supreme court of and United States district court for Porto Rico.  
 232. Writs of error and appeals from the supreme courts of Arizona and New Mexico.

SEC. 203. The Supreme Court of the United States shall consist of a Chief Justice of the United States and eight Associate Justices, any six of whom shall constitute a quorum.

The section was agreed to.

The Secretary read section 204, as follows:

SEC. 204. The Associate Justices shall have precedence according to the dates of their commissions, or, when the commissions of two or more of them bear the same date, according to their ages.

The section was agreed to.

The Secretary read section 205, as follows:

SEC. 205. In case of a vacancy in the office of Chief Justice, or of his inability to perform the duties and powers of his office, they shall devolve upon the Associate Justice who is first in precedence, until such disability is removed, or another Chief Justice is appointed and duly qualified. This provision shall apply to every Associate Justice who succeeds to the office of Chief Justice.

The section was agreed to.

The Secretary read section 206, as follows:

SEC. 206. [The Chief Justice of the Supreme Court of the United States shall receive the sum of \$13,000 a year, and the justices thereof shall receive the sum of \$12,500 a year each, to be paid monthly.]

The section was agreed to.

The Secretary read section 207, as follows:

SEC. 207. The Supreme Court shall have power to appoint a clerk and a marshal for said court, and a reporter of its decisions.

The section was agreed to.

The Secretary read section 208, as follows:

SEC. 208. [The clerk of the Supreme Court shall, before he enters upon the execution of his office, give bond, with sufficient sureties, to be approved by the court, to the United States, in the sum of not less than \$5,000 and not more than \$20,000, to be determined and regulated by the Attorney General, faithfully to discharge the duties of his office, and seasonably to record the decrees, judgments, and determinations of the court. The Supreme Court may at any time, upon the motion of the Attorney General, to be made upon 30 days' notice, require a new bond, or a bond for an increased amount within the limits above prescribed; and the failure of the clerk to execute the same shall vacate his office. All bonds given by the clerk shall, after approval, be recorded in his office, and copies thereof from the records, certified by the clerk under seal of the court, shall be competent evidence in any court. The original bonds shall be filed in the Department of Justice.]

The section was agreed to.

The Secretary read section 209, as follows:

SEC. 209. One or more deputies of the clerk of the Supreme Court may be appointed by the court on the application of the clerk and may be removed at the pleasure of the court. In case of the death of the clerk, his deputy or deputies shall, unless removed, continue in office and perform the duties of the clerk in his name until a clerk is appointed and qualified, and for the defaults or misfeasances in office of any such deputy, whether in the lifetime of the clerk or after his death, the clerk and his estate and the sureties on his official bond shall be liable and his executor or administrator shall have such remedy for any such defaults or misfeasances committed after his death as the clerk would be entitled to if the same had occurred in his lifetime.

The section was agreed to.

The Secretary read section 210, as follows:

SEC. 210. The records and proceedings of the court of appeals, appointed previous to the adoption of the present Constitution, shall be kept in the office of the clerk of the Supreme Court, who shall give copies thereof to any person requiring and paying for them in the manner provided by law for giving copies of the records and proceedings of the Supreme Court, and such copies shall have like faith and credit with all other proceedings of said court.

The section was agreed to.

The Secretary read section 211, as follows:

SEC. 211. [The Supreme Court is authorized and empowered to prepare the tables of fees to be charged by the clerk thereof.]

The section was agreed to.

The Secretary read section 212, as follows:

SEC. 212. The marshal is entitled to receive a salary at the rate of \$3,500 a year. He shall attend the court at its sessions, shall serve and execute all process and orders issuing from it or made by the

Sec.

233. Writs of error and appeals from the supreme court of Hawaii.  
 234. Appeals and writs of error from the district court for Alaska direct to Supreme Court in certain cases.  
 235. Appeals and writs of error from the supreme court of the Philippine Islands.  
 236. Appeals and writs of error when a Territory becomes a State.  
 237. Appeals and writs of error from the court of appeals of the District of Columbia.  
 238. Certiorari to court of appeals, District of Columbia.  
 239. Appellate jurisdiction under the bankruptcy act.  
 240. Precedence of writs of error to State courts.  
 241. Cost of printing records.  
 242. Women may be admitted to practice.

Chief Justice or an Associate Justice in pursuance of law, and shall take charge of all property of the United States used by the court or its members. With the approval of the Chief Justice he may appoint assistants and messengers to attend the court, with the compensation allowed to officers of the House of Representatives of similar grade.

The section was agreed to.

The Secretary read section 213, as follows:

SEC. 213. [The reporter shall cause the decisions of the Supreme Court to be printed and published within eight months after they are made; and within the same time he shall deliver 300 copies of the volumes of said reports to the Secretary of the Interior. The reporter shall, in any year when he is so directed by the court, cause to be printed and published a second volume of said decisions, of which he shall deliver a like number of copies in like manner and time.]

The section was agreed to.

The Secretary read section 214, as follows:

SEC. 214. [The reporter shall be entitled to receive from the Treasury an annual salary of \$4,500 when his report of said decisions constitutes one volume, and an additional sum of \$1,200 when, by direction of the court, he causes to be printed and published in any year a second volume; and said reporter shall be annually entitled to clerk hire in the sum of \$1,200, and to office rent, stationery, and contingent expenses in the sum of \$600: *Provided*, That the volumes of the decisions of the court after the 5th of August, 1882, shall be furnished by the reporter to the public at a sum not exceeding \$2 per volume, and the number of volumes now required to be delivered to the Secretary of the Interior shall be furnished by the reporter without any charge therefor. Said salary and compensation, respectively, shall be paid only when he causes such decisions to be printed, published, and delivered within the time and in the manner prescribed by law, and upon the condition that the volumes of said reports shall be sold by him to the public for a price not exceeding \$2 a volume.]

The section was agreed to.

The Secretary read section 215, as follows:

SEC. 215. The Secretary of the Interior shall distribute copies of the Supreme Court reports hereafter published, as follows: To the President, the justices of the Supreme Court, the judges of the circuit courts of appeals, the judges of the district courts, the judges of the Court of Claims, the judges of the court of appeals and of the supreme court of the District of Columbia, the judges of the several Territorial courts, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Postmaster General, the Attorney General, the Secretary of Agriculture, the Secretary of Commerce and Labor, the Solicitor General, the Assistant Secretary of each Executive department, the Assistant Postmaster General, the Secretary of the Senate for the use of the Senate, the Clerk of the House of Representatives for the use of the House of Representatives, the governors of the Territories, the Solicitor for the Department of State, the Treasurer of the United States, the Solicitor of the Treasury, the Register of the Treasury, the Comptroller of the Treasury, the Comptroller of the Currency, the Commissioner of Internal Revenue, the Director of the Mint, each of the six Auditors in the Treasury Department, the Judge Advocate General, War Department, the Paymaster General, War Department, the Judge Advocate General, Navy Department, the Commissioner of Indian Affairs, the Commissioner of Pensions, the Commissioner of the General Land Office, the Commissioner of Patents, the Commissioner of Education, the Commissioner of Labor, the Commissioner of Navigation, the Commissioner of Corporations, the Commissioner General of Immigration, the Chief of the Bureau of Manufactures, the Director of the Geological Survey, the Director of the Census, the Forester, Department of Agriculture, the Purchasing Agent, Post Office Department, the Interstate Commerce Commission, the clerk of the Supreme Court of the United States, the marshal of the Supreme Court of the United States, the attorney for the District of Columbia, the Naval Academy at Annapolis, the Military Academy at West Point, and the heads of such other executive offices as may be provided by law, of equal grade with any of said offices, each 1 copy; to the law library of the Supreme Court, 25 copies; to the law library of the Department of the Interior, 2 copies; to the law library of the Department of Justice, 2 copies; to the Secretary of the Senate for the use of the committees of the Senate, 20 copies; to the Clerk of the House of Representatives for the use of the committees of the House, 22 copies; to the marshal of the Supreme Court of the United States, as custodian of the public property used by the court, for the use of the justices thereof in the conference room, robing room, and court room, 3 copies; to the Secretary of War for the use of the proper courts and officers of the Philippine Islands and for the headquarters of military departments in the United States, 12 copies; and to each of the places where district courts of the United States are now holden, including Hawaii and Porto Rico, 1 copy. He shall also distribute to each additional United States judge hereafter appointed, and to each place where a new district court may hereafter be established, 1 complete set of said reports, the judge holding such courts to select the edition of said reports. He shall also distribute to each United States judge hereafter appointed, to each place where a new district court may hereafter be established, and to each office hereafter created, to which the decisions of the Supreme Court are sent under the provisions of this section, a copy of such digest of such reports as the several judges and officers shall respectively select. No distribution of reports and digests under this section shall be made to any place where the court is held in a building not owned by the United States, unless there be at such place a United States officer to whose responsible custody they can be committed. The clerks of said courts (except the Supreme Court) shall in all cases keep said reports and digests for the use of the courts and of the officers thereof. Such reports and digests shall remain the property of the United States, and shall be preserved by the officers above named and by them turned over to their successors in office.

Mr. HEYBURN. I ask that section 215 be passed over.

The PRESIDING OFFICER. The Senator from Idaho asks that section 215 be passed over. Is there objection? The Chair hears none, and the section goes over.

The Secretary read section 216, as follows:

SEC. 216. [The publishers of the decisions of the Supreme Court shall deliver to the Secretary of the Interior, in addition to the 300 copies delivered by the Reporter, such number of copies of each report heretofore or hereafter published, as the Secretary may require, for which he



shall pay not more than \$2 per volume. Not more than \$26 per set shall be paid for the digest required for distribution under the section last preceding. The Secretary of the Interior shall include in his annual estimates submitted to Congress, an estimate for the current volumes of such reports, and also for the additional sets of reports and digests required for distribution under the section last preceding.]

The section was agreed to.

The Secretary read section 217, as follows:

SEC. 217. [The Supreme Court shall hold at the seat of government, one term annually, commencing on the second Monday in October, and such adjourned or special terms as it may find necessary for the dispatch of business.]

The section was agreed to.

The Secretary read section 218, as follows:

SEC. 218. If, at any session of the Supreme Court, a quorum does not attend on the day appointed for holding it, the justices who do attend may adjourn the court from day to day for 20 days after said appointed time, unless there be sooner a quorum. If a quorum does not attend within said 20 days, the business of the court shall be continued over till the next appointed session; and if, during a term, after a quorum has assembled, less than that number attend on any day, the justices attending may adjourn the court from day to day until there is a quorum, or may adjourn without day.

The section was agreed to.

The Secretary read section 219, as follows:

SEC. 219. The justices attending at any term when less than a quorum is present may, within the 20 days mentioned in the preceding section, make all necessary orders touching any suit, proceeding, or process, depending in or returned to the court, preparatory to the hearing, trial, or decision thereof.

The section was agreed to.

The Secretary read section 220, as follows:

SEC. 220. The Supreme Court shall have exclusive jurisdiction of all controversies of a civil nature where a State is a party, except between a State and its citizens, or between a State and citizens of other States, or aliens, in which latter cases it shall have original, but not exclusive, jurisdiction. And it shall have exclusively all such jurisdiction of suits or proceedings against ambassadors or other public ministers, or their domestics or domestic servants, as a court of law can have consistently with the law of nations; and original, but not exclusive, jurisdiction of all suits brought by ambassadors or other public ministers, or in which a consul or vice consul is a party.

The section was agreed to.

The Secretary read section 221, as follows:

SEC. 221. The Supreme Court shall have power to issue writs of prohibition to the district courts when proceeding as courts of admiralty and maritime jurisdiction, and writs of mandamus, in cases warranted by the principles and usages of law, to any courts appointed under the authority of the United States or to persons holding office under the authority of the United States where a State or an ambassador or other public minister or a consul or vice consul is a party.

The section was agreed to.

The Secretary read section 222, as follows:

SEC. 222. The trial of issues of fact in the Supreme Court in all actions at law against citizens of the United States shall be by jury.

The section was agreed to.

The Secretary read section 223, as follows:

SEC. 223. The Supreme Court shall have appellate jurisdiction in the cases hereinafter specially provided for.

The section was agreed to.

The Secretary read section 224, as follows:

SEC. 224. A final judgment or decree in any suit in the highest court of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under, any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of their validity; or where any title, right, privilege, or immunity is claimed under the Constitution, or any treaty or statute of, or commission held or authority exercised under, the United States, and the decision is against the title, right, privilege, or immunity especially set up or claimed, by either party, under such Constitution, treaty, statute, commission, or authority, may be reexamined and reversed or affirmed in the Supreme Court upon a writ of error. The writ shall have the same effect as if the judgment or decree complained of had been rendered or passed in a court of the United States. The Supreme Court may reverse, modify, or affirm the judgment or decree of such State court, and may, at their discretion, award execution or remand the same to the court from which it was removed by the writ.

The section was agreed to.

The Secretary read section 225, as follows:

SEC. 225. [Appeals and writs of error may be taken from the district courts, including the United States district court for Hawaii, direct to the Supreme Court in the following cases: In any case in which the jurisdiction of the court is in issue, in which case the question of jurisdiction alone shall be certified to the Supreme Court from the court below for decision; from the final sentences and decrees in prize causes; in any case that involves the construction or application of the Constitution of the United States; in any case in which the constitutionality of any law of the United States, or the validity or construction of any treaty made under its authority is drawn in question; and in any case in which the constitution or law of a State is claimed to be in contravention of the Constitution of the United States.]

Mr. ROOT. Mr. President, does not the form of section 225 involve the question which, as I understand, has been passed over, namely, the merger of the circuit and district courts? If so, I think the section had better be passed over also.

Mr. HEYBURN. Mr. President, the language of this bill has been fitted to the proposed change, with the understanding that,

should that part of the bill not become a law, it would be adjusted to the ordinary language as though both courts were retained.

Mr. ROOT. That is entirely satisfactory.

Mr. HEYBURN. That is the purpose. It is merely a matter of the form which shall be used, which will be covered ultimately by the final action of Congress.

Mr. ROOT. While I am up, Mr. President, may I make a suggestion? This bill has been considered at many different times, and probably very few Members of the Senate have been here all the time. I think it would be very useful for us if the clerk of the committee would make up, and if we could have printed, a memorandum showing what disposition has been made thus far of the different sections of the bill—what have been adopted and what have been passed over—so that we can examine it and mark our copies of the bill. At present I am quite in the dark about many parts of the bill—as to what has been done with them.

Mr. HEYBURN. Mr. President, that is a good suggestion, and we are in a position to have it done readily, and will have it done. The copy of the bill that I use is marked so as to show just what has been done with each section.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent—

Mr. ROOT. I do not know whether it is necessary to do that; but, if so, I will ask unanimous consent that such a memorandum be printed.

Mr. HEYBURN. I think we shall be entirely justified in having a reprint to-day, because we are within a few pages of the end of the bill. With the exception of those sections that have been carried over, it will be a very complete showing as to just what we have accomplished. I think we would like to go through the bill first, and then, before it goes into the Senate from the committee, or before we take up the consideration of the reserved questions, I think it would be very well to have a reprint of the bill.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent—

Mr. HEYBURN. I will ask unanimous consent at the time when we shall have gone through this bill completely. I will not now ask unanimous consent.

The PRESIDING OFFICER. The question is on the adoption of section 225.

The section was agreed to.

The Secretary read section 226, as follows:

SEC. 226. [In any case within its appellate jurisdiction, as defined in section 127, the circuit court of appeals at any time may certify to the Supreme Court of the United States any questions or propositions of law concerning which it desires the instruction of that court for its proper decision; and thereupon the Supreme Court may either give its instruction on the questions and propositions certified to it, which shall be binding upon the circuit court of appeals in such case, or it may require that the whole record and cause be sent up to it for its consideration, and thereupon shall decide the whole matter in controversy in the same manner as if it had been brought there for review by writ of error or appeal.]

The section was agreed to.

The Secretary read section 227, as follows:

SEC. 227. [In any case in which the judgment or decree of the circuit court of appeals is made final by the provisions of this title, it shall be competent for the Supreme Court to require, by certiorari or otherwise, any such case to be certified to the Supreme Court for its review and determination, with the same power and authority in the case as if it had been carried by appeal or writ of error to the Supreme Court.]

The section was agreed to.

The Secretary read section 228, as follows:

SEC. 228. [In any case in which the judgment or decree of the circuit court of appeals is not made final by the provisions of this title, there shall be of right an appeal or writ of error to the Supreme Court of the United States where the matter in controversy shall exceed \$1,000, besides costs.]

The section was agreed to.

The Secretary read section 229, as follows:

SEC. 229. An appeal to the Supreme Court shall be allowed on behalf of the United States from all judgments of the Court of Claims adverse to the United States, and on behalf of the plaintiff in any case where the amount in controversy exceeds \$3,000, or where his claim is forfeited to the United States by the judgment of said court as provided in section 176.

Mr. ROOT. Mr. President, I should like to have section 229 passed over.

Mr. HEYBURN. Section 229.

Mr. ROOT. Yes; relating to appeals to the Supreme Court from judgments of the Court of Claims.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent that section 229 be passed over.

Mr. HEYBURN. There is no objection to passing that section over.

The PRESIDING OFFICER. The Chair hears no objection. Mr. ROOT. I did not observe that section 225 was being acted on.

The PRESIDING OFFICER. Section 225 has been acted on.

Mr. ROOT. I move to reconsider the vote by which section 225 was agreed to, and I ask that it be passed over.

The PRESIDING OFFICER. Unless there be objection, the Chair will resubmit the question on section 225.

Mr. ROOT. I will say to the chairman of the committee that my object is to satisfy myself as to whether there has been full consideration given to the question whether there might not very well be a change in the law so as to reduce somewhat the burden of the Supreme Court.

Mr. HEYBURN. Has the Senator the report on section 225?

Mr. ROOT. I suppose so; but I have not an opportunity to read it at this time.

Mr. HEYBURN. If the Senator will give me his attention, I will read it. It is as follows:

Section 225: Section 86 of the organic act for Hawaii, as last amended (Mar. 3, 1909; 35 Stat., 838), authorizes the taking of appeals and writs of error from the United States district court for that Territory direct to the Supreme Court, in the same manner and in the same classes of cases as from a circuit or district court of the United States. For this reason the district court for Hawaii is included with the district courts. It is specially mentioned from the fact that while it is called a United States district court, it is not a constitutional court. The special reference is to remove any doubt as to its inclusion.

Outside of that change the section is existing law. Of course, I have no objection to the matter going over on the suggestion of the Senator from New York.

The PRESIDING OFFICER. Section 225 will go over at the request of the Senator from New York.

Mr. HEYBURN. And section 229.

The PRESIDING OFFICER. And section 229 will go over upon the request of the Senator from New York.

The Secretary read section 230, as follows:

SEC. 230. All appeals from the Court of Claims shall be taken within 90 days after the judgment is rendered, and shall be allowed under such regulations as the Supreme Court may direct.

The section was agreed to.

The Secretary read section 231, as follows:

SEC. 231. Writs of error and appeals from the final judgments and decrees of the supreme court of, and the United States district court for, Porto Rico, may be taken and prosecuted to the Supreme Court of the United States in any case wherein is involved the validity of any copyright, or in which is drawn in question the validity of a treaty or statute of, or authority exercised under, the United States, or wherein the Constitution of the United States, or a treaty thereof, or an act of Congress is brought in question and the right claimant thereunder is denied, without regard to the sum or value of the matter in dispute; and in all other cases in which the sum or value of the matter in dispute, exclusive of costs, to be ascertained by the oath of either party or of other competent witnesses, exceeds the sum or value of \$5,000. Such writs of error and appeals shall be taken within the same time, in the same manner, and under the same regulations as writs of error and appeals are taken to the Supreme Court of the United States under the next succeeding section.

Mr. ROOT. I think the same disposition should be made of that section. It comes under the same class.

The PRESIDING OFFICER. The Senator from New York requests that section 231 be passed over. Unless there be objection, that course will be taken.

Mr. HEYBURN. That does not include section 230?

The PRESIDING OFFICER. No; it does not.

The Secretary read section 232, as follows:

SEC. 232. [Writs of error and appeals from the final judgments and decrees of the supreme courts of the Territories of Arizona and New Mexico may be taken and prosecuted to the Supreme Court of the United States in any case wherein is involved the validity of any copyright, or in which is drawn in question the validity of a treaty or statute of, or authority exercised under, the United States, without regard to the sum or value of the matter in dispute; and in all other cases in which the sum or value of the matter in dispute, exclusive of costs, to be ascertained by the oath of either party or of other competent witnesses, exceeds the sum or value of \$5,000.]

The section was agreed to.

The Secretary read section 233, as follows:

SEC. 233. Writs of error and appeals from the final judgments and decrees of the supreme court of the Territory of Hawaii may be taken and prosecuted to the Supreme Court of the United States, within the same time, in the same manner, under the same regulations, and in the same classes of cases, in which writs of error and appeals from the final judgments and decrees of the highest court of a State in which a decision in a suit could be had, may be taken and prosecuted to the Supreme Court of the United States under the provisions of section 225; and also in all cases wherein the amount involved, exclusive of costs, to be ascertained by the oath of either party or of other competent witnesses, exceeds the sum or value of \$5,000.

The section was agreed to.

The Secretary read section 234, as follows:

SEC. 234. [Appeals and writs of error may be taken and prosecuted from final judgments and decrees of the district court for the District of Alaska or for any division thereof, direct to the Supreme Court of the United States, in the following cases: In prize cases and in all cases

which involve the construction or application of the Constitution of the United States or in which the constitutionality of any law of the United States or the validity or construction of any treaty made under its authority is drawn in question, or in which the constitution or law of a State is claimed to be in contravention of the Constitution of the United States. Such writs of error and appeals shall be taken within the same time, in the same manner, and under the same regulations as writs of error and appeals are taken from the district courts to the Supreme Court.

Mr. ROOT. I think that section should go over also, Mr. President.

The PRESIDING OFFICER. The Senator from New York requests that section 234 be passed over. That course will be taken unless there be objection.

The Secretary read section 235, as follows:

SEC. 235. The Supreme Court of the United States shall have jurisdiction to review, revise, reverse, modify, or affirm the final judgments and decrees of the supreme court of the Philippine Islands in all actions, cases, causes, and proceedings now pending therein or hereafter determined thereby, in which the Constitution or any statute, treaty, title, right, or privilege of the United States is involved, or in causes in which the value in controversy exceeds \$25,000, or in which the title or possession of real estate exceeding in value the sum of \$25,000, to be ascertained by the oath of either party or of other competent witnesses, is involved or brought in question; and such final judgments or decrees may and can be reviewed, revised, reversed, modified, or affirmed by said Supreme Court on appeal or writ of error by the party aggrieved, within the same time, in the same manner, under the same regulations, and by the same procedure, as far as applicable, as the final judgments and decrees of the district courts of the United States.

Mr. ROOT. I should like to have that section go over, Mr. President.

The PRESIDING OFFICER. The Senator from New York requests that section 235 be passed over. That course will be taken, unless there be objection.

The Secretary read as follows:

SEC. 236. In all cases where the judgment or decree of any court of a Territory might be reviewed by the Supreme Court on writ of error or appeal, such writ of error or appeal may be taken, within the time and in the manner provided by law, notwithstanding such Territory has, after such judgment or decree, been admitted as a State; and the Supreme Court shall direct the mandate to such court as the nature of the writ of error or appeal requires.

The PRESIDING OFFICER. Without objection, the section will be adopted.

The Secretary read as follows:

SEC. 237. [Any final judgment or decree of the Court of Appeals of the District of Columbia may be re-examined and affirmed, reversed, or modified by the Supreme Court of the United States, upon writ of error or appeal, in all cases in which the matter in dispute, exclusive of costs, shall exceed the sum of \$5,000; and also in cases, without regard to the sum or value of the matter in dispute, wherein is involved the validity of any patent or copyright, or in which is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States. Such writs of error and appeals shall be taken within the same time, in the same manner, and under the same regulations, as appeals and writs of error are taken from the circuit courts of appeals to the Supreme Court of the United States.]

Mr. ROOT. I ask to have that go over.

The PRESIDING OFFICER. The Senator from New York requests that section 237 be passed over. That course will be taken unless there is objection.

The Secretary read as follows:

SEC. 238. [In any case made final in the court of appeals of the District of Columbia it shall be competent for the Supreme Court of the United States to require, by certiorari or otherwise, any such case to be certified to it for its review and determination, with the same power and authority in the case as if it had been carried to said court by appeal or writ of error.]

The PRESIDING OFFICER. Without objection, the section will be adopted.

The Secretary read as follows:

SEC. 239. The Supreme Court of the United States is hereby invested with appellate jurisdiction of controversies arising in bankruptcy proceedings, from the courts of bankruptcy, from which it has appellate jurisdiction in other cases; and shall exercise a like jurisdiction from courts of bankruptcy not within any organized circuit of the United States and from the supreme court of the District of Columbia.

An appeal may be taken to the Supreme Court of the United States from any final decision of a circuit court allowing or rejecting a claim under the laws relating to bankruptcy, under such rules and within such time as may be prescribed by said Supreme Court, in the following cases and no other:

1. Where the amount in controversy exceeds the sum of \$2,000, and the question involved is one which might have been taken on appeal or writ of error from the highest court of a State to the Supreme Court of the United States; or

2. Where some justice of the Supreme Court shall certify that in his opinion the determination of the question involved in the allowance or rejection of such claim is essential to a uniform construction of the laws relating to bankruptcy throughout the United States.

Controversies may be certified to the Supreme Court of the United States from other courts of the United States, and the former court may exercise jurisdiction thereof, and may issue writs of certiorari pursuant to the provisions of the United States laws now in force or such as may be hereafter enacted.

Mr. HEYBURN. I suggest that in line 22, page 178, the words "a circuit court" be stricken out and the words "a court of appeals" be inserted. That is the intention of the act, and the



limitation to the circuit court does not meet with the existing provision.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. Without objection the section as amended is adopted.

The Secretary read as follows:

SEC. 240. Cases on writ of error to revise the judgment of a State court in any criminal case shall have precedence on the docket of the Supreme Court of all cases to which the Government of the United States is not a party, excepting only such cases as the court, in its discretion, may decide to be of public importance.

The PRESIDING OFFICER. Without objection, the section will be adopted.

The Secretary read as follows:

SEC. 241. [There shall be taxed against the losing party in each and every cause pending in the Supreme Court the cost of printing the record in such case, except when the judgment is against the United States.]

The PRESIDING OFFICER. Without objection, the section will be adopted.

The Secretary read as follows:

SEC. 242. Any woman who shall have been a member of the bar of the highest court of any State or Territory, or of the Supreme Court of the District of Columbia, for the space of three years, and shall have maintained a good standing before such court, and who shall be a person of good moral character, shall, on motion, and the production of such record, be admitted to practice before the Supreme Court of the United States.

The PRESIDING OFFICER. Without objection, the section will be adopted.

Mr. HEYBURN. I now ask that the bill be laid aside for the day.

The PRESIDING OFFICER. Without objection, the bill will be laid aside at the request of the Senator from Idaho.

#### INTERIOR DEPARTMENT AND FOREST SERVICE.

Mr. FLETCHER. Mr. President, I wish to announce that on Thursday morning next, immediately after the close of the routine morning business, I shall submit some remarks upon the resolution submitted to-day by the junior Senator from North Dakota [Mr. PURCELL].

#### EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 43 minutes p. m.) the Senate adjourned until tomorrow, Tuesday, January 17, 1911, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate January 16, 1911.*

##### PENSION AGENT.

John R. King, of Maryland, to be pension agent at Washington, D. C., his term expiring January 15, 1911. (Reappointment.)

##### PROMOTION IN THE ARMY.

Brig. Gen. Charles L. Hodges, United States Army, to be major general from January 14, 1911, vice Maj. Gen. William P. Duwall, retired from active service January 13, 1911.

##### PROMOTION IN THE NAVY.

Capt. Walter C. Cowles to be a rear admiral in the Navy from the 14th day of January, 1911, vice Rear Admiral Edward B. Barry, retired.

##### POSTMASTERS.

###### ARKANSAS.

Charles T. Bloodworth to be postmaster at Corning, Ark., in place of John A. Dudgeon. Incumbent's commission expired December 19, 1910.

Joel A. Harper to be postmaster at Rector, Ark., in place of Joel A. Harper. Incumbent's commission expired December 6, 1910.

J. E. Herren to be postmaster at Portland, Ark., in place of William E. Edmiston. Incumbent's commission expires January 31, 1911.

Laura C. Hutton to be postmaster at Sulphur Springs, Ark. Office became presidential July 1, 1910.

Alexander Jackson to be postmaster at Hoxie, Ark., in place of Alexander Jackson. Incumbent's commission expires January 22, 1911.

Samuel Mullen to be postmaster at Ozark, Ark., in place of William C. Bill. Incumbent's commission expired December 19, 1910.

Robert C. Vance to be postmaster at Benton, Ark., in place of Robert C. Vance. Incumbent's commission expires January 22, 1911.

Frank Weldin to be postmaster at Piggott, Ark., in place of Tellie J. Bruce. Incumbent's commission expired December 6, 1910.

###### CONNECTICUT.

Charles W. Munsinger to be postmaster at Coscob, Conn., in place of Charles W. Munsinger. Incumbent's commission expired December 13, 1910.

###### GEORGIA.

St. James B. Alexander to be postmaster at Reidsville, Ga. Office became presidential January 1, 1911.

Julien V. Frederick to be postmaster at Marshallville, Ga. Office became presidential October 1, 1910.

###### ILLINOIS.

Abraham L. Coyle to be postmaster at Gridley, Ill., in place of Abraham L. Coyle. Incumbent's commission expired January 9, 1911.

J. Agnes Olson to be postmaster at Shabbona, Ill. Office became presidential July 1, 1910.

David C. Swanson to be postmaster at Paxton, Ill., in place of David C. Swanson. Incumbent's commission expires January 31, 1911.

###### INDIANA.

Peter H. Zehrung to be postmaster at Cambridge City, Ind., in place of Omer Guyton. Incumbent's commission expired December 13, 1910.

###### IOWA.

William H. Bowman to be postmaster at Victor, Iowa, in place of Emily L. Kerr. Incumbent's commission expired January 10, 1911.

###### KANSAS.

James S. Alexander to be postmaster at Florence, Kans., in place of James S. Alexander. Incumbent's commission expires January 30, 1911.

W. I. Biddle to be postmaster at Leavenworth, Kans., in place of Fred. W. Willard. Incumbent's commission expires February 20, 1911.

Jacob B. Callen to be postmaster at Junction City, Kans., in place of Jacob B. Callen. Incumbent's commission expired December 13, 1910.

Connie Collins to be postmaster at Barnes, Kans. Office became presidential January 1, 1911.

Thomas W. Dare to be postmaster at Gardner, Kans., in place of Thomas W. Dare. Incumbent's commission expired January 10, 1911.

John A. Davidson to be postmaster at White City, Kans., in place of John A. Davidson. Incumbent's commission expired December 10, 1910.

William Freeburg to be postmaster at Courtland, Kans. Office became presidential January 1, 1911.

Horace C. Lathrop to be postmaster at Blue Rapids, Kans., in place of John McPherson. Incumbent's commission expired May 4, 1910.

###### KENTUCKY.

Smith Rogers to be postmaster at Corydon, Ky. Office became presidential January 1, 1911.

###### MAINE.

Frank L. Averill to be postmaster at Oldtown, Me., in place of Frank L. Averill. Incumbent's commission expires January 18, 1911.

Charles F. Hammond to be postmaster at Van Buren, Me., in place of Charles F. Hammond. Incumbent's commission expired January 10, 1911.

###### MASSACHUSETTS.

Fred A. Tower to be postmaster at Concord, Mass., in place of Fred A. Tower. Incumbent's commission expired January 7, 1911.

###### MICHIGAN.

Henry J. Horrigan to be postmaster at Iona, Mich., in place of Kimbal R. Smith. Incumbent's commission expired March 14, 1910.

Philip P. Schnorbach to be postmaster at Muskegon, Mich., in place of Philip P. Schnorbach. Incumbent's commission expired January 10, 1911.

## MINNESOTA.

Alfred J. Gebhard to be postmaster at Lamberton, Minn., in place of Alfred J. Gebhard. Incumbent's commission expires January 31, 1911.

Francis S. Pollard to be postmaster at Morgan, Minn. Office became presidential January 1, 1911.

## MISSOURI.

Archie T. Hollenbeck to be postmaster at Westplains, Mo., in place of Archie T. Hollenbeck. Incumbent's commission expires March 2, 1911.

## NEBRASKA.

Orrin Peck to be postmaster at Palmer, Nebr. Office became presidential January 1, 1911.

Isaac A. Royer to be postmaster at Hardy, Nebr. Office became presidential January 1, 1911.

## NEW HAMPSHIRE.

Thomas B. Moore to be postmaster at Lincoln, N. H., in place of Thomas B. Moore. Incumbent's commission expired January 7, 1911.

## NEW YORK.

Augustus F. Allen to be postmaster at Jamestown, N. Y., in place of James T. Larmonth. Incumbent's commission expired May 28, 1910.

George Anderson to be postmaster at Castleton, N. Y., in place of George Anderson. Incumbent's commission expired January 12, 1911.

Mary L. McRoberts to be postmaster at Tompkinsville, N. Y., in place of Mary L. McRoberts. Incumbent's commission expired January 10, 1911.

Frank R. Utter to be postmaster at Friendship, N. Y., in place of Frank R. Utter. Incumbent's commission expires January 30, 1911.

## NORTH CAROLINA.

Edward M. Linville to be postmaster at Kernersville, N. C., in place of Branson R. Beeson. Incumbent's commission expired June 1, 1910.

## OHIO.

Augustus M. Barker to be postmaster at Rock Creek, Ohio. Office became presidential January 1, 1911.

## OKLAHOMA.

Peter J. Becker to be postmaster at Okemah, Okla., in place of Lura M. Allen. Incumbent's commission expired December 10, 1910.

## PENNSYLVANIA.

H. B. Calderwood to be postmaster at Tyrone, Pa., in place of John G. McCamant. Incumbent's commission expires January 22, 1911.

Alfred W. Christy to be postmaster at Slippery Rock, Pa., in place of Alfred W. Christy. Incumbent's commission expires January 18, 1911.

Eli P. Clifton to be postmaster at Vanderbilt, Pa. Office became presidential January 1, 1911.

Samuel J. Evans to be postmaster at Slatington, Pa., in place of Samuel J. Evans. Incumbent's commission expires February 21, 1911.

Luther P. Ross to be postmaster at Saxton, Pa., in place of Luther P. Ross. Incumbent's commission expires January 29, 1911.

William C. Shiffer to be postmaster at Exedit, Pa. Office became presidential January 1, 1911.

William S. Stickel to be postmaster at Perryopolis, Pa. Office became presidential January 1, 1911.

Harry H. Sweeney to be postmaster at Houtzdale, Pa., in place of Richard M. Hunt. Incumbent's commission expired May 7, 1910.

Luna C. Virgin to be postmaster at Hollsopple, Pa. Office became presidential January 1, 1911.

## SOUTH DAKOTA.

Bertha M. Howard to be postmaster at Onida, S. Dak. Office became presidential January 1, 1911.

## WISCONSIN.

Morris F. Barteau to be postmaster at Appleton, Wis., in place of Morris F. Barteau. Incumbent's commission expired January 10, 1911.

Lawrence Barrett to be postmaster at Peshtigo, Wis., in place of William F. Bishop. Incumbent's commission expired February 28, 1910.

Lorenz C. Fensel to be postmaster at Kewaunee, Wis., in place of Joseph J. Schultz. Incumbent's commission expired February 7, 1910.

Joseph Henquinet to be postmaster at Algoma, Wis., in place of William White. Incumbent's commission expires February 4, 1911.

Richard Koebke to be postmaster at Antigo, Wis., in place of Edward Cleary. Incumbent's commission expired February 27, 1910.

Calvin A. Lewis to be postmaster at Sun Prairie, Wis., in place of Calvin A. Lewis. Incumbent's commission expires January 31, 1911.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate January 16, 1911.*

## COLLECTORS OF CUSTOMS.

William H. Daniels to be collector of customs for the district of Oswegatchie, N. Y.

J. Rice Winchell to be collector of customs for the district of New Haven, Conn.

## ASSOCIATE JUSTICE OF THE SUPREME COURT OF PORTO RICO.

Pedro De Aldrey to be associate justice of the supreme court of Porto Rico.

## PROMOTIONS IN THE NAVY.

Lieut. George T. Pettengill to be a lieutenant commander.

Lieut. (Junior Grade) William T. Lightle to be a lieutenant.

Passed Asst. Paymaster William C. Fite to be a paymaster.

Passed Asst. Paymaster James A. Bull to be a paymaster.

Asst. Surg. Charles J. Holeman to be a passed assistant surgeon.

The following-named citizens to be assistant surgeons:

Chester McL. George, and

Luther Sheldon, jr.

Le Roy N. Taylor to be a chaplain.

Boatswain Andrew Madsen to be a chief boatswain.

Machinist Arthur T. Percival to be a chief machinist.

Maj. Charles J. Long to be a lieutenant colonel in the Marine Corps.

Ensign Ernest Durr to be a lieutenant (junior grade).

Lieut. (Junior Grade) Ernest Durr to be a lieutenant.

Asst. Surg. Harry A. Garrison to be a passed assistant surgeon.

Asst. Paymaster Thomas P. Ballenger to be a passed assistant paymaster.

Robert W. Clark to be an assistant paymaster.

The following-named midshipmen to be ensigns:

Frederick H. Babcock.

Walter Smith.

George H. Emerson.

John A. Nelson.

James L. Kauffman.

Robert A. Burg.

William D. Brereton, jr.

William R. Munroe.

Greer A. Duncan.

Arthur S. Carpenter.

Jules James.

Howard B. Mcleary.

Charles L. Best.

Lloyd C. Stark.

Eddie J. Estess.

James D. Moore.

David F. Ducey.

Donald T. Hunter.

Edwin Guthrie.

James D. Smith.

Joseph B. Clark.

Kenneth Heron.

Samuel S. Payne.

Allan G. Olson.

Herbert B. Labhardt.

Leland Jordan, jr.

Edward G. Blakeslee.

Worrall R. Carter.

John C. Jennings.

Henry B. Le Bourgeois.



Laurance S. Stewart,  
Robert E. Rogers,  
Franklin P. Conger,  
Aquilla G. Dibrell,

## POSTMASTERS.

## ARIZONA.

Martin A. Crouse, Holbrook.

## ARKANSAS.

Clyde H. Dickinson, Ashdown,  
Carl O. Freeman, Berryville,  
Edward Hall, Stuttgart,  
Oliver A. Hill, Hartford,  
S. A. Isaminger, Black Rock,  
John L. Smith, Van Buren,  
W. E. Witter, Des Arc.

## CALIFORNIA.

Alonzo Bradford, Hayward (late Haywards).

## CONNECTICUT.

Asa E. S. Bush, Niantic.  
James Graham, Taftville.

## ILLINOIS.

Frank Brusor, New Boston,  
Charles D. Clark, Utica.  
Theodore Disosway, Henry.  
Eugene A. Hall, Oquawka.  
Mary E. Hall, Wyand.  
Harry M. Martin, Shelbyville.  
Charles S. Randolph, Ipava.  
Ulysses G. Richardson, St. Joseph.  
B. A. Schudel, Macon.  
Ulysses E. Smith, Metropolis.  
Gaither C. Walser, West Salem.

## MARYLAND.

William B. Coleman, Chesapeake City.

## MASSACHUSETTS.

Fred H. Torrey, Groton.

## MICHIGAN.

Arthur R. Babcock, West Branch.  
James L. Campbell, Barryton.  
Grant M. Morse, Portland.

## MINNESOTA.

Peter H. Hanson, Lake Park.

## MISSOURI.

Ulysses Grant Evans, Farmington.

## NEW YORK.

Fred E. Allen, Whitney Point.  
Sidney B. Cloyes, Earlville.  
David A. Doyle, Katonah.  
Thomas A. Gibson, Cape Vincent.  
Frank W. Higgins, Wellsville.  
John F. Kelly, Kings Park.  
George L. Nichol, West New Brighton.  
John A. Raser, Harrison.  
Winfield S. Vandewater, Cedarhurst.  
Edward Williams, Granville.  
Frank D. Wood, Bergen.

## OREGON.

Thomas L. Ambler, Mount Angel.  
Fred W. Cady, Beaverton.  
J. E. Holstrom, Shaniko.  
Adam H. Knight, Canby.  
George H. Letellier, Mill City.  
Elmer F. Russell, North Bend.  
Charles M. Smith, Jefferson.  
Edward D. Starr, Brownsville.  
Arlington B. Watt, Amity.  
Hugh O. Worthington, Athena.

## PENNSYLVANIA.

O. S. Gahagan, Mount Jewett.  
Charles A. Passmore, Gap.

## HOUSE OF REPRESENTATIVES.

MONDAY, January 16, 1911.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of Saturday, January 14, 1911, was read and approved.

## APPORTIONMENT OF REPRESENTATIVES.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent to have printed in the Record, for the information of the House, two important amendments to the bill for the apportionment of Representatives under the Thirteenth Decennial Census (H. R. 30566) authorized by the Committee on the Census.

The SPEAKER. The gentleman from Indiana asks unanimous consent to print in the Record two amendments which are proposed to be made to the bill stated by him, on the consideration of that bill, for the information of the House. Is there objection?

Mr. HARDWICK. I do not want to object—

Mr. MANN. Reserving the right to object, I would like to ask the gentleman if he will not also ask unanimous consent to have those amendments printed in bill form, so that they will be accessible to Members. This is a very important matter.

Mr. CRUMPACKER. I have no objection to incorporating the request of the gentleman from Illinois, that the proposed amendment be also printed in bill form.

The SPEAKER. Is there objection to the request as modified?

There was no objection.

The proposed amendments are as follows:

Strike out section 2 of H. R. 30566 and substitute the following:

"Sec. 2. That if the Territories of Arizona and New Mexico shall become States in the Union before the apportionment of Representatives under the next decennial census, they shall have one Representative each; and if one of such Territories shall so become a State, such State shall have one Representative, which Representative or Representatives shall be in addition to the number 433, as provided in section 1 of this act; and all laws and parts of laws in conflict with this section are to that extent hereby repealed."

Insert after section 2 the following as a new section:

"That as soon as the fourteenth and each subsequent decennial census of the population of the several States, as required by the Constitution, shall have been completed and returned to the Department of Commerce and Labor, it shall be the duty of the Secretary of said department to ascertain the aggregate population of all the States and of each State separately, excluding Indians not taxed, which aggregate population he shall divide by the number 430, and the product of such division, excluding any fraction of a unit that may happen to remain, shall be the ratio of apportionment of Representatives among the several States under such census; and the Secretary of said department shall then proceed to divide the total representative population of each State by the ratio so determined, and each State shall be assigned one Representative for each full ratio of population therein and an additional Representative for any fraction equal to or greater than a moiety of such ratio, but in no case shall a Representative be assigned for a fraction less than a moiety of such ratio, and each State shall have at least one Representative; and the aggregate number of Representatives so assigned to the States shall constitute the total membership of the House of Representatives under such census; and as soon as practicable after the Secretary of said department shall have ascertained the number of Representatives to which each State is entitled under any decennial census, in the manner herein provided, he shall make out and transmit to the House of Representatives a certificate of the number of Representatives so apportioned to each State, and he shall likewise make out and transmit without delay to the executive of each State a certificate of the number of Representatives apportioned to such State."

## LEAVE TO PRINT.

Mr. HARDWICK. I ask unanimous consent that there be printed in the Record, but not read, a memorial that I hold in my hand from the Farmers' Union of America in favor of the election of United States Senators by direct vote of the people.

Mr. DWIGHT. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. PAYNE. I hope the gentleman from Georgia will understand that there is nothing personal in my objection, because I have objected heretofore to the printing of any memorial whatever in the Record. There is no use of printing this memorial in the Record, because the House has already three or four times by almost unanimous vote passed the proposition to which it refers. Therefore I object to printing it in the Record.

Mr. HARDWICK. I ask unanimous consent to extend my remarks in the Record.

Mr. PAYNE. I will object to that.

The SPEAKER. Objection is heard.

Mr. HARDWICK. I hope the gentleman will not insist on that.

Mr. PAYNE. Not to include the memorial.

Mr. HARDWICK. I want to extend my remarks in the Record on this subject.

Mr. PAYNE. If the gentleman will leave out the memorial.

Mr. HARDWICK. Oh, no; that is an unreasonable limitation. I hope the gentleman will not insist on that.